

# Social Security Administration Act 1992

## CHAPTER 5

*Note: the material reproduced or annotated below is limited to what is relevant to this volume, comprising ss.1, 2, 5–7, 16, 63, 75–77, 78(2), 79, 110–113, 116, 127–128A, 134–140, 150(1)(h), (2)–(5), (7), (9), (10), 163(2)(a), (d), (h), 176–179, 187, 189(1), (3)–(7), (11), 191, 192, Sch. 1, and Sch. 10, para. 4(3).*

*For other provisions of this Act, see volume 1.*

*The abridged Arrangement of Sections below lists the sections and Schedules relevant to this volume. The full Arrangement of Sections is reproduced in volume 1.*

## ARRANGEMENT OF SECTIONS

### PART I

#### CLAIMS FOR AND PAYMENTS AND GENERAL ADMINISTRATION OF BENEFIT

##### *Necessity of Claim*

1. Entitlement to benefit dependent on claim.
2. Retrospective effect of provisions making entitlement to benefit dependent on claim.

##### *Work-focused interviews*

- 2A. Claim or full entitlement to certain benefits conditional on work-focused interview.
- 2AA. Full entitlement to certain benefits conditional on work-focused interview for partner.
- 2B. Supplementary provisions relating to work-focused interviews.
- 2C. Optional work-focused interviews.

##### *Claims and payments regulations*

5. Regulations about claims for payments of benefit.

##### *Community charge benefits etc.†*

6. Regulations about community charge benefits administration.†
7. Relationship between community charge benefits and other benefits.†

† *Unreliable heading. (Council tax benefit replaced community charge benefits w.e.f. 1.4.93.)*

##### *Sharing of functions as regards certain claims and information*

- 7A. Sharing of functions as regards certain claims and information.
- 7B. Use of Social Security information.

*Emergency payments*

16. Emergency payments by local authorities and other bodies.

PART II

ADJUDICATION

*Housing benefit and community charge benefits†*

63. Adjudication. (*repealed*)

† *Unreliable heading. (Council tax benefit replaced community charge benefits w.e.f. 1.4.93.)*

PART III

OVERPAYMENTS AND ADJUSTMENTS OF BENEFIT

*Housing benefit*

75. Overpayments of housing benefit.

*Community charge benefits†*

76. Excess benefits.

77. Shortfall in benefits.

† *Unreliable heading. (Council tax benefit replaced community charge benefits w.e.f. 1.4.93.)*

*Social fund awards*

78. Recovery of social fund awards.

*Northern Ireland payments*

79. Recovery of Northern Ireland payments.

PART VI

ENFORCEMENT

*Inspection and offences*

109A. Authorisations for investigators.

109B. Power to require information.

109BA. Power of the Secretary of State to require electronic access to information.

109C. Powers of entry.

110. Appointment and powers of inspectors. (*omitted*)

110ZA. Powers exercisable by officers of Inland Revenue.

110A. Authorisations by local authorities.

110B. Power of local authority to require electronic access to information.

111. Delay, obstruction etc. of inspector.

111A. Dishonest representations for obtaining benefit etc.

112. False representations for obtaining benefit etc.

113. Breach of regulations.

*Legal proceedings*

116. Legal proceedings.

116A. Local authority powers to prosecute benefit fraud.

PART VII  
PROVISION OF INFORMATION

*Housing benefit*

127. Information for purposes of housing benefit. (*repealed*)

*Community charge benefits*<sup>†</sup>

128. Information for purposes of community charge benefits.<sup>†</sup> (*repealed*)

<sup>†</sup> *Unreliable heading. (Council tax benefit replaced community charge benefits w.e.f. 1.4.93.)*

*Expedited claims for housing and council tax benefit*

128A. Disclosure of information by authorities. (*repealed*)

PART VIII  
ARRANGEMENTS FOR HOUSING BENEFIT AND COMMUNITY CHARGE BENEFITS<sup>†</sup>  
AND RELATED SUBSIDIES

*Housing benefit*

- 134. Arrangement for housing benefit.
- 135. Housing benefit finance.
- 136. Rent allowance subsidy and determinations of rent officers.
- 137. Claims etc.

*Community charge benefits*<sup>†</sup>

- 138. Nature of benefits.
- 139. Arrangements for community charge benefits.<sup>†</sup>

*Reports*

- 139A. Persons to report on administration.
- 139B. Powers of investigation.
- 139C. Reports.

*Directions by Secretary of State*

- 139D. Directions.
- 139DA. Directions: variations and revocations.
- 139E. Information about attainment of standards.
- 139F. Enforcement notices.
- 139G. Enforcement determinations.
- 139H. Enforcement determinations: supplementary.
- 140. Community charge benefit finance.<sup>†</sup>

<sup>†</sup> *Unreliable heading. (Council tax benefit replaced community charge benefit w.e.f. 1.4.93.)*

*Subsidy*

- 140A. Subsidy.
- 140B. Calculation of amount of subsidy.
- 140C. Payments of subsidy.
- 140D. Rent rebate subsidy: accounting provisions.

**SOCIAL SECURITY ADMINISTRATION ACT 1992 (c. 5)**

**S.1**

*Supplementary provisions*

- 140E. Financing of joint arrangements.
- 140EE. Financing of other expenditure.
- 140F. No requirements for annual orders.
- 140G. Interpretation: Part VIII.

**PART X**

**REVIEW AND ALTERATION OF BENEFITS**

- 150. Annual up-rating of benefits.

**PART XII**

**FINANCE**

- 163. General financial arrangements.

**PART XIII**

**ADVISORY BODIES AND CONSULTATION**

*Housing benefit and community charge benefits†*

- 176. Consultation with representative organisations.

† *Unreliable heading. (Council tax benefit replaced community charge benefits w.e.f. 1.4.93.)*

**PART XIV**

**SOCIAL SECURITY SYSTEMS OUTSIDE GREAT BRITAIN**

*Co-ordination*

- 177. Co-ordination with Northern Ireland. (*repealed*)

*Reciprocity*

- 178. Reciprocal arrangements with Northern Ireland - income-related benefits and child benefit. (*repealed*)
- 179. Reciprocal agreements with countries outside the United Kingdom.
- 179A. Exchange of information with overseas authorities.

**PART XV**

**MISCELLANEOUS**

*Miscellaneous*

- 187. Certain benefit to be inalienable.

**PART XVI**

**GENERAL**

*Subordinate legislation*

- 189. Regulations and orders - general.

*Supplementary*

- 191. Interpretation - general.
- 192. Short title, commencement and extent.

## SCHEDULES:

- Schedule 1 — Claims for benefit made or treated as made before 1st October 1990.  
 Schedule 10 — Supplementary benefit etc.

An Act to consolidate certain enactments relating to the administration of social security and related matters with amendments to give effect to recommendations of the Law Commission and the Scottish Law Commission.

[13th February 1992]

## PART I

## CLAIMS FOR AND PAYMENTS AND GENERAL ADMINISTRATION OF BENEFIT

*Necessity of Claim*

1.—(1) Except in such cases as may be prescribed, and subject to the following provisions of this section and to section 3 below, no person shall be entitled to any benefit unless, in addition to any other conditions relating to that benefit being satisfied—

Entitlement to benefit dependent on claim.

- (a) he makes a claim for it in the manner, and within the time, prescribed in relation to that benefit by regulations under this Part of this Act; or
- (b) he is treated by virtue of such regulations as making a claim for it.

[<sup>1</sup>(1A) No person whose entitlement to any benefit depends on his making a claim shall be entitled to the benefit unless subsection (1B) below is satisfied in relation both to the person making the claim and to any other person in respect of whom he is claiming benefit.

(1B) This subsection is satisfied in relation to a person if—

- (a) the claim is accompanied by—
  - (i) a statement of the person's national insurance number and information or evidence establishing that that number has been allocated to the person; or
  - (ii) information or evidence enabling the national insurance number that has been allocated to the person to be ascertained; or
- (b) the person makes an application for a national insurance number to be allocated to him which is accompanied by information or evidence enabling such a number to be so allocated.

(1C) Regulations may make provision disapplying subsection (1A) above in the case of—

- (a) prescribed benefits;
- (b) prescribed descriptions of persons making claims; or
- (c) prescribed descriptions of persons in respect of whom benefit is claimed,

or in other prescribed circumstances.]

(2) Where under subsection (1) above a person is required to make a claim or to be treated as making a claim for a benefit in order to be entitled to it—

- (a) if the benefit is a [<sup>2</sup>bereavement payment, the person] shall not be entitled to it in respect of a death occurring more than 12 months before the date on which the claim is made or treated as made; and

<sup>1</sup> Subsection (1A) inserted (7.11.97 for the authorising the making of regulations, 1.12.97. for all other purposes) by S. 19 of Social Security Administration (Fraud) Act 1997 (CA1).

<sup>2</sup> Words substituted (24.4.00 for reg. making purposes, 9.4.01 for all other purposes) in s. 1(2)(a) by the Welfare Reform & Pensions Act 1999 (c. 30), Sch. 8.

**SOCIAL SECURITY ADMINISTRATION ACT 1992 (c. 5)**

**Ss. 1-2**

- (b) if the benefit is any other benefit except disablement benefit or reduced earnings allowance, the person shall not be entitled to it in respect of any period more than 12 months before that date,

except as provided by section 3 below.

- (3) Where a person purports to make a claim on behalf of another—
  - (a) for an attendance allowance by virtue of section 66(1) or the Contributions and Benefits Act; or
  - (b) for a disability living allowance by virtue of section 72(5) or 73(12) or that Act,

that other shall be regarded for the purposes of this section as making the claim, notwithstanding that it is made without his knowledge or authority.

- (4) In this section and section 2 below “benefit” means—
  - (a) benefit as defined in section 122 of the Contributions and Benefits Act; [1(aa) a jobseeker’s allowance;] and [2(ab) state pension credit;]
  - (b) any income-related benefit.

(5) This section (which corresponds to section 165A of the 1975 Act, as it had effect immediately before this Act came into force) applies to claims made on or after 1st October 1990 or treated by virtue of regulations under that section or this section as having been made on or after that date.

- (6) Schedule 1 to this Act shall have effect in relation to other claims.

Retrospective effect of provisions making entitlement to benefit dependent on claim.

**2.—**(1) This section applies where a claim for benefit is made or treated as made at any time on or after 2nd September 1985 (the date on which section 165A of the 1975 Act (general provision as to necessity of claim for entitlement to benefit), as originally enacted, came into force) in respect of a period the whole or any part of which falls on or after that date.

- (2) Where this section applies, any question arising as to—
  - (a) whether the claimant is or was at any time (whether before, on or after 2nd September 1985) entitled to the benefit in question, or to any other benefit on which his entitlement to that benefit depends; or
  - (b) in a case where the claimant’s entitlement to the benefit depends on the entitlement of another person to a benefit, whether that other person is or was so entitled,

shall be determined as if the relevant claim enactment and any regulations made under or referred to in that enactment had also been in force, with any necessary modifications, at all times relevant for the purpose of determining the entitlement of the claimant, and, where applicable, of the other person, to the benefit or benefits in question (including the entitlement of any person to any benefit on which that entitlement depends, and so on).

(3) In this section “the relevant claim enactment” means section 1 above as it has effect in relation to the claim referred to in subsection (1) above.

- (4) In any case where—
  - (a) a claim for benefit was made or treated as made (whether before, on or after 2nd September 1985, and whether by the same claimant as the

---

<sup>1</sup> Para. (aa) inserted (22.4.96) in defn. of “benefit” in s. 1(4) by para. 38 of Sch. 2 to Jobseekers Act 1995 (c. 18).

<sup>2</sup> Para. (ab) inserted in s. 1(4) (2.7.02) for the purposes of exercising power to make regulations or orders by the State Pension Credit Act 2002 (c. 16), Sch. 1, para. 2.

claim referred to in subsection (1) above or not), and benefit was awarded on that claim, in respect of a period falling wholly or partly before that date; but

- (b) that award would not have been made had the current requirements applied in relation to claims for benefit, whenever made, in respect of periods before that date; and
- (c) entitlement to the benefit claimed as mentioned in subsection (11) above depends on whether the claimant or some other person was perviously entitled or treated as entitled to that or some other benefit,

then, in determining whether the conditions of entitlement to the benefit so claimed are satisfied, the person to whom benefit was awarded as mentioned in paragraphs (a) and (b) above shall be taken to have been entitled to the benefit so awarded, notwithstanding anything in subsection (2) above.

(5) In subsection (4) above “the current requirements” means–

- (a) the relevant claim enactment, and any regulations made or treated as made under the enactment, or referred to in it, as in force at the time of the claim referred to in subsection (1) above, with any necessary modification; and
- (b) subsection (1) (with the omission of the words following “at any time”) and subsections (2) and (3) above.

*[<sup>1</sup>Work-focused interviews <sup>2</sup>and work-related activity]*

**2A.**—(1) Regulations may make provision for or in connection with–

- (a) imposing, as a condition falling to be satisfied by a person who–
  - (i) makes a claim for a benefit to which this section applies, and
  - <sup>3</sup>(ii) has not attained pensionable age at the time of making the claim (but see subsection (1A)),]

Claim or full entitlement to certain benefits conditional on work-focused interview.

a requirement to take part in <sup>3</sup>one or more work-focused interviews];

- (b) imposing, at a time when–
  - (i) a person <sup>3</sup>has not attained pensionable age and is] entitled to such a benefit, and
  - (ii) any prescribed circumstances exist,

a requirement to take part in <sup>3</sup>one or more work-focussed interviews] as a condition of that person continuing to be entitled to the full amount which is payable to him in respect of the benefit apart from the regulations.

<sup>3</sup>(1A)For the purposes of subsection (1) a man born before <sup>4</sup>6 December 1953] is treated as attaining pensionable age when a woman born on the same day as the man would attain pensionable age.]

(2) The benefits to which this section applies are–

- (a) income support;
- (b) housing benefit;
- (c) council tax benefit;
- (d) widow’s and bereavement benefits falling within section 20(1)(e) and (ea) of the Contributions and Benefits Act (other than a bereavement payment);

<sup>1</sup> Ss. 2A-2C inserted (11.11.99) by Welfare Reform & Pensions Act 1999 (c. 30), Ss. 57 & 58.  
<sup>2</sup> Words inserted in italic heading to s. 2A (12.11.09) by the Welfare Reform Act 2009 (c. 24), s. 2(3).  
<sup>3</sup> S. 2A(1)(a)(ii) & words in s. 2A(1) substituted & s. 2A(1A) inserted (10.12.10) by the Welfare Reform Act 2009 (c. 24), s. 35(2) & (4).  
<sup>4</sup> Words in s. 2A(1A) substituted (3.1.12) by the Pensions Act 2011, Sch. 1, para. 3.

**SOCIAL SECURITY ADMINISTRATION ACT 1992 (c. 5)**

**S. 2A**

- (e) incapacity benefit;
- (f) severe disablement allowance; and
- (g) [<sup>1</sup>carer's allowance].

[<sup>2</sup>(2A) No requirement may be imposed by virtue of this section on a person who—

- (a) is not a member of a couple, and
- (b) is responsible for, and a member of the same household as, a child under the age of one.

(2B) For the purposes of subsection (2A)(b) regulations may make provision—

- (a) as to circumstances in which one person is to be treated as responsible or not responsible for another;
- (b) as to circumstances in which persons are to be treated as being or not being members of the same household,]

(3) Regulations under this section may, in particular, make provision—

- (a) for securing, where a person would otherwise be required to take part in interviews relating to two or more benefits—
  - (i) that he is only required to take part in one interview, and
  - (ii) that any such interview is capable of counting for the purposes of all those benefits;
- (b) for determining the persons by whom interviews are to be conducted;
- (c) conferring power on such persons or the designated authority to determine when and where interviews are to take place (including power in prescribed circumstances to determine that they are to take place in the homes of those being interviewed);
- (d) prescribing the circumstances in which persons attending interviews are to be regarded as having or not having taken part in them;
- (e) for securing that the appropriate consequences mentioned in subsection (4)(a) or (b) below ensue if a person who has been notified that he is required to take part in an interview—
  - (i) fails to take part in the interview, and
  - (ii) does not show, within the prescribed period, that he had good cause for that failure;
- (f) prescribing—
  - (i) matters which are or are not to be taken into account in determining whether a person does or does not have good cause for any failure to comply with the regulations, or
  - (ii) circumstances in which a person is or is not to be regarded as having or not having good cause for any such failure.

(4) For the purposes of subsection (3)(e) above the appropriate consequences of a failure falling within that provision are—

- (a) where the requirement to take part in an interview applied by virtue of subsection (1)(a) above, that as regards any relevant benefit either—
  - (i) the person in question is to be regarded as not having made a claim for the benefit, or
  - (ii) if (in the case of an interview postponed in accordance with subsection (7)) that person has already been awarded the benefit, his entitlement to the benefit is to terminate immediately;
- (b) where the requirement to take part in an interview applied by virtue of subsection (1)(b) above, that the amount payable to the person in question in respect of any relevant benefit is to be reduced by the specified amount until the specified time.

<sup>1</sup> Words substituted in 2A(2)(g) (1.4.03) by S.I. 2002/1457, Sch.

<sup>2</sup> S. 2A(2A) & (2B) inserted (31.10.11) by the Welfare Reform Act 2009 (c. 24), s. 3(2)(a).

- (5) Regulations under this section may, in relation to any such reduction, provide—
- (a) for the amount of the reduction to be calculated in the first instance by reference to such amount as may be prescribed;
  - (b) for the amount as so calculated to be restricted, in prescribed circumstances, to the prescribed extent;
  - (c) where the person in question is entitled to two or more relevant benefits, for determining the extent, and the order, in which those benefits are to be reduced in order to give effect to the reduction required in his case.

- (6) Regulations under this section may provide that any requirement to take part in an interview that would otherwise apply to a person by virtue of such regulations—
- (a) is, in any prescribed circumstances, either not to apply or not to apply until such time as is specified;
  - (b) is not to apply if the designated authority determines that an interview—
    - (i) would not be of assistance to that person, or
    - (ii) would not be appropriate in the circumstances;
  - (c) is not to apply until such time as the designated authority determines, if that authority determines that an interview—
    - (i) would not be of assistance to that person, or
    - (ii) would not be appropriate in the circumstances,
 until that time;

and the regulations may make provision for treating a person in relation to whom any such requirement does not apply, or does not apply until a particular time, as having complied with that requirement to such extent and for such purposes as are specified.

- (7) Where—
- (a) a person is required to take part in an interview by virtue of subsection (1)(a), and
  - (b) the interview is postponed by or under regulations made in pursuance of subsection (6)(a) or (c),

the time to which it is so postponed may be a time falling after an award of the relevant benefit to that person.

[<sup>1</sup>(7A) Information supplied in pursuance of regulations under this section shall be taken for all purposes to be information relating to social security.]

- (8) In this section—
- [<sup>2</sup>“couple” has the meaning given by section 137(1) of the Contributions and Benefits Act;]
- “the designated authority” means such of the following as may be specified, namely—
- (a) the Secretary of State,
  - (b) a person providing services to the Secretary of State,
  - (c) a local authority,
  - (d) a person providing services to, or authorised to exercise any function of, any such authority;
- “interview” (in subsections (3) to (7)) means a work-focused interview;
- “relevant benefit”, in relation to any person required to take part in a work-focused interview, means any benefit in relation to which that requirement applied by virtue of subsection (1)(a) or (b) above;
- “specified” means prescribed by or determined in accordance with regulations;

<sup>1</sup> S. 2A(7A) inserted (12.1.10) by the Welfare Reform Act 2009 (c. 24), s. 34(1).

<sup>2</sup> Words inserted in s. 2A(8) (31.10.11) by the Welfare Reform Act 2009 (c. 24), s. 3(2)(b).

## SOCIAL SECURITY ADMINISTRATION ACT 1992 (c. 5)

### Ss. 2A-2AA

“work-focused interview”, in relation to a person, means an interview conducted for such purposes connected with employment or training in the case of that person as may be specified;

and the purposes which may be so specified include purposes connected with a person’s existing or future employment or training prospects or needs, and (in particular) assisting or encouraging a person to enhance his employment prospects.

Full entitlement to certain benefits conditional on work-focused interview for partner

[<sup>1</sup>2AA.—(1) Regulations may make provision for or in connection with imposing, at a time when—

(a) a person (“the claimant”) who—

[<sup>2</sup>(i) has not attained pensionable age (but see subsection (1A)), and

(ii) has a partner who has also not attained pensionable age,]

is entitled to a benefit to which this section applies at a higher rate referable to his partner, and

(b) prescribed circumstances exist,

a requirement for the partner to take part in [<sup>2</sup>one or more work-focused interviews] as a condition of the benefit continuing to be payable to the claimant at that rate.

[<sup>2</sup>(1A) For the purposes of subsection (1) a man born before [<sup>3</sup>6 December 1953] is treated as attaining pensionable age when a woman born on the same day as the man would attain pensionable age.]

(2) The benefits to which this section applies are—

(a) income support;

(b) an income-based jobseeker’s allowance other than a joint-claim jobseeker’s allowance;

(c) incapacity benefit;

(d) severe disablement allowance; and

(e) [<sup>4</sup>carer’s allowance].

(3) For the purposes of this section a benefit is payable to a person at a higher rate referable to his partner if the amount that is payable in his case—

(a) is more than it would be if the person concerned was not a member of a couple; or

(b) includes an increase of benefit for his partner as an adult dependant of his.

(4) Regulations under this section may, in particular, make provision—

(a) for securing, where the partner of the claimant would otherwise be required to take part in work-focused interviews relating to two or more benefits—

(i) that the partner is required instead to take part in only one such interview; and

(ii) that the interview is capable of counting for the purposes of all those benefits;

(b) in a case where the claimant has more than one partner, for determining which of those partners is required to take part in the work-focused interview or requiring each of them to take part in such an interview;

(c) for determining the persons by whom work-focused interviews are to be conducted;

<sup>1</sup> S. 2AA inserted (5.7.03) by the Employment Act 2002 (c. 22), s. 49.

<sup>2</sup> S. 2AA(1)(a)(i) & (ii) substituted (10.2.10) by the Welfare Reform Act 2009 (c. 24), s. 35(3) & (4).

<sup>3</sup> Words in s. 2AA(1A) substituted (3.1.12) by the Pensions Act 2011 Sch. 1, para. 4.

<sup>4</sup> S. 2AA(2)(e) substituted (3.7.07) by the Welfare Reform Act 2007 (c. 5), Sch. 7, para. 3(2).

- (d) conferring power on such persons or the designated authority to determine when and where work-focused interviews are to take place (including power in prescribed circumstances to determine that they are to take place in the homes of those being interviewed);
- (e) prescribing the circumstances in which partners attending work-focused interviews are to be regarded as having or not having taken part in them;
- (f) for securing that if—
  - (i) a partner who has been notified of a requirement to take part in a work-focused interview fails to take part in it, and
  - (ii) it is not shown (by him or by the claimant), within the prescribed period, that he had good cause for that failure,
 the amount payable to the claimant in respect of the benefit in relation to which the requirement applied is to be reduced by the specified amount until the specified time;
- (g) prescribing—
  - (i) matters which are or are not to be taken into account in determining whether a partner does or does not have good cause for any failure to comply with the regulations; or
  - (ii) circumstances in which a partner is or is not to be regarded as having or not having good cause for any such failure.

(5) Regulations under this section may, in relation to a reduction under subsection (4)(f), provide—

- (a) for the amount of the reduction to be calculated in the first instance by reference to such amount as may be prescribed;
- (b) for the amount as so calculated to be restricted, in prescribed circumstances, to the prescribed extent;
- (c) where the claimant is entitled to two or more benefits in relation to each of which a requirement to take part in a work-focused interview applied, for determining the extent to, and the order in, which those benefits are to be reduced in order to give effect to the reduction required in his case.

(6) Regulations under this section may provide that any requirement to take part in a work-focused interview that would otherwise apply to a partner by virtue of the regulations—

- (a) is, in any prescribed circumstances, either not to apply or not to apply until the specified time;
- (b) is not to apply if the designated authority determines that such an interview would not be of assistance to him or appropriate in the circumstances;
- (c) is not to apply until such time as the designated authority determines (if that authority determines that such an interview would not be of assistance to him or appropriate in the circumstances until that time);

and the regulations may make provision for treating a partner to whom any such requirement does not apply, or does not apply until a particular time, as having complied with that requirement to such extent and for such purposes as are specified.

[<sup>1</sup>(6A) Information supplied in pursuance of regulations under this section shall be taken for all purposes to be information relating to social security.]

Supplementary provisions relating to work-focused interviews.

(7) In this section—

[<sup>2</sup>“couple” has the meaning given by section 137(1) of the Contributions and Benefits Act;]

“designated authority” means such of the following as may be specified, namely—

- (a) the Secretary of State,
- (b) a person providing services to the Secretary of State,

<sup>1</sup> S. 2AA(6A) inserted (12.1.10) by the Welfare Reform Act 2009, (c. 24), s. 34(2).

<sup>2</sup> In s. 2AA(7) defn. of “couple” substituted (5.12.05) by the Civil Partnership Act 2004 (c. 33), Sch. 24, para. 55.

**SOCIAL SECURITY ADMINISTRATION ACT 1992 (c. 5)**

**Ss. 2AA-2B**

- (c) a local authority, and
  - (d) a person providing services to, or authorised to exercise any function of, a local authority;
- “partner” means a person who is a member of the same couple as the claimant;  
“specified” means prescribed by or determined in accordance with regulations;  
and  
“work-focused interview” has the same meaning as in section 2A above.]

**2B.**—(1) Chapter II of Part I of the Social Security Act 1998 (social security decisions and appeals) shall have effect in relation to relevant decisions [<sup>1</sup> made under regulations under section 2A or 2AA] subject to and in accordance with subsections (3) to (8) below (and in those subsections “the 1998 Act” means that Act).

(2) For the purposes of this section a “relevant decision” [<sup>1</sup>, in relation to regulations under section 2A above, is a decision] that a person—

- (a) has failed to comply with a requirement to take part in an interview which applied to him by virtue of the regulations, or
- (b) has not shown, within the prescribed period mentioned in section 2A(3)(e)(ii) above, that he had good cause for such a failure.

[<sup>2</sup>(2A) For the purposes of this section a “relevant decision”, in relation to regulations under section 2AA above, is a decision that—

- (a) the partner of a person entitled to a benefit has failed to comply with a requirement to take part in an interview which applied to the partner by virtue of the regulations, or
- (b) it has not been shown, within the prescribed period mentioned in section 2AA(4)(f)(ii) above, that the partner had good cause for such a failure.]

(3) Section 8(1)(c) of the 1998 Act (decisions falling to be made under or by virtue of certain enactments are to be made by the Secretary of State) shall have effect subject to any provisions of regulations under section 2A [<sup>2</sup>or 2AA] above by virtue of which relevant decisions fall to be made otherwise than by the Secretary of State.

(4) For the purposes of each of sections 9 and 10 of the 1998 Act (revision and supersession of decisions of Secretary of State) any relevant decision made otherwise than by the Secretary of State shall be treated as if it were such a decision made by the Secretary of State (and accordingly may be revised by him under section 9 or superseded by a decision made by him under section 10).

(5) Subject to any provisions of regulations under either section 9 or 10 of the 1998 Act, any relevant decision made, or (by virtue of subsection (4) above) treated as made, by the Secretary of State may be—

- (a) revised under section 9 by a person or authority exercising functions under regulations under section 2A [<sup>3</sup>or 2AA] above other than the Secretary of State, or
- (b) superseded under section 10 by a decision made by such a person or authority,

as if that person or authority were the Secretary of State.

(6) Regulations shall make provision for conferring (except in any prescribed circumstances) a right of appeal under section 12 of the 1998 Act (appeal to appeal tribunal) against—

- (a) any relevant decision, and
- (b) any decision under section 10 of that Act superseding any such decision,

<sup>1</sup> Words inserted & substituted in s. 2B(1) & (2) (5.7.03) by the Employment Act 2002 (c. 22), Sch. 7, para. 9(2) & (3).

<sup>2</sup> Subsection (2A) inserted in s. 2B (5.7.03) by the Employment Act 2002 (c. 22), Sch. 7, para. 9(4).

<sup>3</sup> Words inserted in subsections (3), (5)(a) & (9) of s. 2B & in s. 2C(2) (5.7.03) by the Employment Act 2002 (c. 22), Sch. 7, para. 9(5) & 10(b).

whether made by the Secretary of State or otherwise.

(7) Subsections (4) to (6) above apply whether—

- (a) the relevant decision, or
- (b) (in the case of subsection (6)(b)) the decision under section 10 of the 1998 Act,

is as originally made or has been revised (by the Secretary of State or otherwise) under section 9 of that Act; and regulations under subsection (6) above may make provision for treating, for the purposes of section 12 of that Act, any decision made or revised otherwise than by the Secretary of State as if it were a decision made or revised by him.

(8) Section 12 of the 1998 Act shall not apply to any decision falling within subsection (6) above except in accordance with regulations under that subsection.

(9) In [...]<sup>1</sup>

- (b) section 72(6) of the Welfare Reform and Pensions Act 1999 (supply of information),

any reference to information relating to social security includes any information supplied by a person for the purposes of an interview which he is required to take part in by virtue of section 2A [<sup>2</sup>or 2AA] above.

(10) In this section “interview” means a work-focused interview within the meaning of section 2A above.

**2C.—**(1) Regulations may make provision for conferring on local authorities functions in connection with conducting work-focused interviews in cases where such interviews are requested or consented to by persons to whom this section applies.

Optional work-focused interviews.

(2) This section applies to<sup>3</sup>—

- (a) persons making claims for or entitled to any of the benefits listed in section 2A(2) above or any prescribed benefit; and
- (b) partners of persons entitled to any of the benefits listed in section 2AA(2) above or any prescribed benefit;]

and it so applies regardless of whether such persons have, in accordance with regulations under section 2A [<sup>2</sup>or 2AA] above, already taken part in interviews conducted under such regulations.

(3) The functions which may be conferred on a local authority by regulations under this section include functions relating to—

- (a) the obtaining and receiving of information for the purposes of work-focused interviews conducted under the regulations;
- (b) the recording and forwarding of information supplied at, or for the purposes of, such interviews;
- (c) the taking of steps to identify potential employment or training opportunities for persons taking part in such interviews.

(4) Regulations under this section may make different provision for different areas or different authorities.

<sup>1</sup> In s. 2B(9) words & subsection (a) repealed (24.11.02) by the Employment Act 2002 (c. 22), Sch. 8.

<sup>2</sup> Words inserted in subsection (9) of s. 2B & in s. 2C(2) (5.7.03) by the Employment Act 2002 (c. 22), Sch. 7, para. 9(5) & 10(b).

<sup>3</sup> Subsection (2)(a) & (b) of s. 2C substituted (5.7.03) by the Employment Act 2002 (c. 22), Sch. 7, para. 10(a).

**SOCIAL SECURITY ADMINISTRATION ACT 1992 (c. 5)**

**Ss. 2C-2D**

(5) In this section “work-focused interview”, in relation to a person to whom this section applies, means an interview conducted for such purposes connected with employment or training in the case of such a person as may be prescribed; and the purposes which may be so prescribed include—

- (a) purposes connected with the existing or future employment or training prospects or needs of such a person, and
- (b) (in particular) assisting or encouraging such a person to enhance his employment prospects.]

Work-related activity

[<sup>1</sup>2D—(1) Regulations may make provision for or in connection with imposing on a person who—

- (a) is entitled to income support, and
- (b) is not a lone parent of a child under the age of 3,

a requirement to undertake work-related activity in accordance with regulations as a condition of continuing to be entitled to the full amount of income support payable apart from the regulations.

(2) Regulations may make provision for or in connection with imposing on a person (“P”) who—

- (a) is under pensionable age, and
- (b) is a member of a couple the other member of which (“C”) is entitled to a benefit to which subsection (3) applies at a higher rate referable to P,

a requirement to undertake work-related activity in accordance with regulations as a condition of the benefit continuing to be payable to C at that rate.

(3) The benefits to which this subsection applies are—

- (a) income support;
- (b) an income-based jobseeker’s allowance other than a joint-claim jobseeker’s allowance; and
- (c) an income-related employment and support allowance.

(4) Regulations under this section may, in particular, make provision—

- (a) prescribing circumstances in which a person is to be subject to any requirement imposed by the regulations (a “relevant requirement”);
- (b) for notifying a person of a relevant requirement;
- (c) prescribing the time or times at which a person who is subject to a relevant requirement is required to undertake work-related activity and the amount of work-related activity the person is required at any time to undertake;
- (d) prescribing circumstances in which a person who is subject to a relevant requirement is, or is not, to be regarded as undertaking work-related activity;
- (e) in a case where C is a member of more than one couple, for determining which of the members of the couples is to be subject to a relevant requirement or requiring each of them to be subject to a relevant requirement;
- (f) for securing that the appropriate consequence follows if—
  - (i) a person who is subject to a relevant requirement has failed to comply with the requirement, and
  - (ii) it is not shown, within a prescribed period, that the person had good cause for that failure;
- (g) prescribing the evidence which a person who is subject to a relevant requirement needs to provide in order to show compliance with the requirement;

---

<sup>1</sup> Ss. 2D-2H inserted (12.11.09) by the Welfare Reform Act 2009 (c. 24), s. 2(2).

- (h) prescribing matters which are, or are not, to be taken into account in determining whether a person had good cause for any failure to comply with a relevant requirement;
- (i) prescribing circumstances in which a person is, or is not, to be regarded as having good cause for any such failure.

(5) For the purposes of subsection (4)(f) the appropriate consequence is that the amount of the benefit payable is to be reduced by the prescribed amount until the prescribed time.

- (6) Regulations under subsection (5) may, in relation to any such reduction, provide—
  - (a) for the amount of the reduction to be calculated in the first instance by reference to such amount as may be prescribed;
  - (b) for the amount as so calculated to be restricted, in prescribed circumstances, to the prescribed extent.

(7) Regulations under this section may include provision that in such circumstances as the regulations may provide a person’s obligation under the regulations to undertake work-related activity at a particular time is not to apply, or is to be treated as not having applied.

(8) Regulations under this section must include provision for securing that lone parents are entitled (subject to meeting any prescribed conditions) to restrict the times at which they are required to undertake work-related activity.

- (9) For the purposes of this section and sections 2E and 2F—
  - (a) “couple” has the meaning given by section 137(1) of the Contributions and Benefits Act;
  - (b) “lone parent” means a person who—
    - (i) is not a member of a couple, and
    - (ii) is responsible for, and a member of the same household as, a child;
  - (c) “prescribed” means specified in, or determined in accordance with, regulations;
  - (d) “work-related activity”, in relation to a person, means activity which makes it more likely that the person will obtain or remain in work or be able to do so;
  - (e) any reference to a person attaining pensionable age is, in the case of a man born before [16 December 1953], a reference to the time when a woman born on the same day as the man would attain pensionable age;
  - (f) any reference to a benefit payable to C at a higher rate referable to P is a reference to any case where the amount payable is more than it would be if C and P were not members of the same couple.

- (10) For the purposes of this section regulations may make provision—
  - (a) as to circumstances in which one person is to be treated as responsible or not responsible for another;
  - (b) as to circumstances in which persons are to be treated as being or not being members of the same household.

(11) Information supplied in pursuance of regulations under this section is to be taken for all purposes to be information relating to social security.

**2E.—**(1) The Secretary of State must in prescribed circumstances provide a document (referred to in this section as an “action plan”) prepared for such purposes as may be prescribed to a person who is subject to a requirement imposed under section 2A or 2AA in relation to any of the following benefits.

Action plans in connection with work-focused interviews

<sup>1</sup> Words in s. 2D(a)(e) substituted (3.1.12) by the Pensions Act 2011 (c. 19), Sch. 1, para. 5.

**SOCIAL SECURITY ADMINISTRATION ACT 1992 (c. 5)**

**Ss. 2E-2G**

- (2) The benefits are—
- (a) income support;
  - (b) an income-based jobseeker's allowance other than a joint-claim jobseeker's allowance; and
  - (c) an income-related employment and support allowance.

- (3) Regulations may make provision about—
- (a) the form of action plans;
  - (b) the content of action plans;
  - (c) the review and updating of action plans.

(4) Regulations under this section may, in particular, make provision for action plans which are provided to a person who is subject under section 2D to a requirement to undertake work-related activity to contain particulars of activity which, if undertaken, would enable the requirement to be met.

(5) Regulations may make provision for reconsideration of an action plan at the request of the person to whom it is provided and may, in particular, make provision about—

- (a) the circumstances in which reconsideration may be requested;
- (b) the period within which any reconsideration must take place;
- (c) the matters to which regard must be had when deciding on reconsideration whether the plan should be changed;
- (d) notification of the decision on reconsideration;
- (e) the giving of directions for the purpose of giving effect to the decision on reconsideration.

(6) In preparing any action plan, the Secretary of State must have regard (so far as practicable) to its impact on the well-being of any person under the age of 16 who may be affected by it.

Directions about work-related activity

**2F.—**(1) In prescribed circumstances, the Secretary of State may by direction given to a person subject to a requirement imposed under section 2D provide that the activity specified in the direction is—

- (a) to be the only activity which, in the person's case, is to be regarded as being work-related activity; or
- (b) to be regarded, in the person's case, as not being work-related activity.

(2) But a direction under subsection (1) may not specify medical or surgical treatment as the only activity which, in any person's case, is to be regarded as being work-related activity.

- (3) A direction under subsection (1) given to any person—
- (a) must be reasonable, having regard to the person's circumstances;
  - (b) must be given to the person by being included in an action plan provided to the person under section 2E; and
  - (c) may be varied or revoked by a subsequent direction under subsection (1).

(4) Where a direction under subsection (1) varies or revokes a previous direction, it may provide for the variation or revocation to have effect from a time before the giving of the direction.

Contracting-out

**2G.—**(1) The following functions of the Secretary of State may be exercised by, or by employees of, such person (if any) as the Secretary of State may authorise for the purpose, namely—

- (a) conducting interviews under section 2A or 2AA;
- (b) providing documents under section 2E;

(c) giving, varying or revoking directions under section 2F.

(2) Regulations may provide for any of the following functions of the Secretary of State to be exercisable by, or by employees of, such person (if any) as the Secretary of State may authorise for the purpose—

- (a) any function under regulations under any of sections 2A to 2F, except the making of an excluded decision (see subsection (3));
- (b) the function under section 9(1) of the 1998 Act (revision of decisions) so far as relating to decisions (other than excluded decisions) that relate to any matter arising under regulations under any of sections 2A to 2F;
- (c) the function under section 10(1) of the 1998 Act (superseding of decisions) so far as relating to decisions (other than excluded decisions) of the Secretary of State that relate to any matter arising under regulations under any of sections 2A to 2F;
- (d) any function under Chapter 2 of Part 1 of the 1998 Act (social security decisions), except section 25(2) and (3) (decisions involving issues arising on appeal in other cases), which relates to the exercise of any of the functions within paragraphs (a) to (c).

(3) Each of the following is an “excluded decision” for the purposes of subsection (2)—

- (a) a decision about whether a person has failed to comply with a requirement imposed by regulations under section 2A, 2AA or 2D;
- (b) a decision about whether a person had good cause for failure to comply with such a requirement;
- (c) a decision about the reduction of a benefit in consequence of a failure to comply with such a requirement.

(4) Regulations under subsection (2) may provide that a function to which that subsection applies may be exercised—

- (a) either wholly or to such extent as the regulations may provide,
- (b) either generally or in such cases as the regulations may provide, and
- (c) either unconditionally or subject to the fulfilment of such conditions as the regulations may provide.

(5) An authorisation given by virtue of any provision made by or under this section may authorise the exercise of the function concerned—

- (a) either wholly or to such extent as may be specified in the authorisation,
- (b) either generally or in such cases as may be so specified, and
- (c) either unconditionally or subject to the fulfilment of such conditions as may be so specified;

but, in the case of an authorisation given by virtue of regulations under subsection (2), this subsection is subject to the regulations.

(6) An authorisation given by virtue of any provision made by or under this section—

- (a) may specify its duration,
- (b) may be revoked at any time by the Secretary of State, and
- (c) does not prevent the Secretary of State or any other person from exercising the function to which the authorisation relates.

(7) Anything done or omitted to be done by or in relation to an authorised person (or an employee of that person) in, or in connection with, the exercise or purported exercise of the function concerned is to be treated for all purposes as done or omitted to be done by or in relation to the Secretary of State.

**SOCIAL SECURITY ADMINISTRATION ACT 1992 (c. 5)**

**Ss. 2G - 5**

- (8) But subsection (7) does not apply—
- (a) for the purposes of so much of any contract made between the authorised person and the Secretary of State as relates to the exercise of the function, or
  - (b) for the purposes of any criminal proceedings brought in respect of anything done by the authorised person (or an employee of that person).

(9) Any decision which an authorised person makes in exercise of the function concerned has effect as a decision of the Secretary of State under section 8 of the 1998 Act.

- (10) Where—
- (a) the authorisation of an authorised person is revoked at any time, and
  - (b) at the time of the revocation so much of any contract made between the authorised person and the Secretary of State as relates to the exercise of the function is subsisting,

the authorised person is entitled to treat the contract as repudiated by the Secretary of State (and not as frustrated by reason of the revocation).

- (11) In this section—
- (a) “the 1998 Act” means the Social Security Act 1998;
  - (b) “authorised person” means a person authorised to exercise any function by virtue of any provision made by or under this section;
  - (c) references to functions of the Secretary of State under any enactment (including one comprised in regulations) include functions which the Secretary of State has by virtue of the application of section 8(1)(c) of the 1998 Act in relation to the enactment.

Good cause for failure to comply with regulations

**2H.—**(1) This section applies to any regulations made under section 2A, 2AA or 2D that prescribe matters to be taken into account in determining whether a person has good cause for any failure to comply with the regulations.

(2) The provision made by the regulations prescribing those matters must include provision relating to—

- (a) the person’s physical or mental health or condition;
- (b) the availability of childcare.]

*Ss. 3 and 4—see volume 1.*

*Claims and payments regulations*

**5.—**(1) Regulations may provide—

- (a) for requiring a claim for a benefit to which this section applies to be made by such person, in such manner and within such time as may be prescribed;
- (b) for treating such a claim made in such circumstances as may be prescribed as having been made at such date earlier or later than that at which it is made as may be prescribed;
- (c) for permitting such a claim to be made, or treated as if made, for a period wholly or partly after the date on which it is made;
- (d) for permitting an award on such a claim to be made for such a period subject to the condition that the claimant satisfies the requirements for entitlement when benefit becomes payable under the award;
- [<sup>1</sup>(e) for any such award to be revised under section 9 of the Social Security Act 1998, or superseded under section 10 of that Act, if any of those requirements are found not to have been satisfied;]

---

<sup>1</sup> Para. (e) substituted (5.7.99) by S.S. Act 1998 (c. 14), Sch. 7, para. 79(1).

- (f) for the disallowance on any ground of a person's claim for a benefit to which this section applies to be treated as a disallowance of any further claim by that person for that benefit until the grounds of the original disallowance have ceased to exist;
- (g) for enabling one person to act for another in relation to a claim for a benefit to which this section applies and for enabling such a claim to be made and proceeded with in the name of a person who has died;
- (h) for requiring any information or evidence needed for the determination of such a claim or of any question arising in connection with such a claim to be furnished by such person as may be prescribed in accordance with the regulation;
- [<sup>1</sup>(hh) for requiring such person as may be prescribed in accordance with the regulations to furnish any information or evidence needed for a determination whether a decision on an award of benefit to which this section applies—
  - (i) should be revised under section 9 of the Social Security Act 1998 [<sup>2</sup> or, as the case may be, under paragraph 3 of Schedule 7 to the Child Support, Pensions and Social Security Act 2000]; or
  - (ii) should be superseded under section 10 of that Act, [<sup>2</sup>or, as the case may be, paragraph 4 of that Schedule];]
- (i) for the person to whom, time when and manner in which a benefit to which this section applies is to be paid and for the information and evidence to be furnished in connection with the payment of such a benefit;
- (j) for notice to be given of any change of circumstances affecting the continuance of entitlement to such a benefit or payment of such a benefit;
- (k) for the day on which entitlement to such a benefit is to begin or end;
- (l) for calculating the amounts of such a benefit according to a prescribed scale or otherwise adjusting them so as to avoid fractional amounts of facilitate computation;
- (m) for extinguishing the right to payment of such a benefit if payment is not obtained within such period, not being less than 12 months, as may be prescribed from the date on which the right is treated under the regulations as having arisen;
- (n) [...<sup>3</sup>]
- (o) [...<sup>3</sup>]
- (p) for the circumstances and manner in which payments of such a benefit may be made to another person on behalf of the beneficiary for any purpose, which may be to discharge, in whole or in part, an obligation of the beneficiary or any other person;
- (q) for the payment or distribution of such a benefit to or among persons claiming to be entitled on the death of any person and for dispensing with strict proof of their title;
- (r) for the making of a payment on account of such a benefit—
  - (i) where no claim has been made and it is impracticable for one to be made immediately;
  - (ii) where a claim has been made and it is impracticable for the claim or an appeal, reference, review or application relating to it to be immediately determined;
  - (iii) where an award has been made but it is impracticable to pay the whole immediately.

(2) This section applies to the following benefits

- (a) benefits as defined in section 122 of the Contributions and Benefits Act;

<sup>1</sup> Para. (hh) inserted in s. 5 (4.3.99) by s. 74 of S.S. Act 1998 (c. 12).

<sup>2</sup> Words in s. 5(1)(hh)(i) & (ii) inserted (1.11.00) by the Child Support, Pensions & Social Security Act 2000 (c. 19), Sch. 7, para. 21(2).

<sup>3</sup> Paras. (n) & (o) shall cease to have effect (5.7.99) by S.S. Act 1998 (c. 14), Sch. 7, para. 79.

## SOCIAL SECURITY ADMINISTRATION ACT 1992 (c. 5)

### S. 5

[<sup>1</sup>(aa) a jobseeker's allowance;]

[<sup>2</sup>(ab) state pension credit;]

(b) income support;

(c) [...<sup>3</sup>]

(d) [...<sup>3</sup>]

(e) housing benefit;

(f) any social fund payments such as are mentioned in section 138(1)(a) or (2) of the Contributions and Benefits Act;

(g) child benefit; and

(h) Christmas bonus.

[<sup>4</sup>(2A) The regulations may also require such persons as are prescribed to provide a rent officer with information or evidence of such description as is prescribed.

(2B) For the purposes of subsection (2A), the Secretary of State may prescribe any description of information or evidence which he thinks is necessary or expedient to enable rent officers to carry out their functions under section 122 of the Housing Act 1996.

(2C) Information or evidence required to be provided by virtue of subsection (2A) may relate to an individual claim or award or to any description of claims or awards.]

(3) [...<sup>5</sup>]

[<sup>6</sup>(3A) The references in paragraphs (h) and (hh) of subsection (1) above to information or evidence needed for the determination of a claim or of any question arising in connection with the claim or (as the case may be) for a determination whether a decision on an award should be revised or should be superseded, includes, in the case of state pension credit, a reference to information or evidence as to the likelihood of future changes in a person's circumstances which is needed for determining—

(a) whether a period should be specified as an assessed income period under section 6 of the State Pension Credit Act 2002 in relation to any decision; and

(b) if so, the length of the period to be so specified.]

(4) [...<sup>7</sup>]

(5) Subsection (1)(g), (i), (l), (p) and (q) above shall have effect as if statutory sick pay [<sup>8</sup>, statutory maternity pay, [<sup>9</sup>, ordinary statutory paternity pay, additional statutory paternity pay] and statutory adoption pay] were benefits to which this section applies.

[<sup>10</sup>(6) As it has effect in relation to housing benefit subsection (1)(p) above authorises provision requiring the making of payments of benefit to another person, on behalf of the beneficiary, in such circumstances as may be prescribed.]

---

<sup>1</sup> S. 5(2)(aa) inserted (22.4.96) by Jobseekers Act 1995 (c. 18), Sch. 2, para. 39.

<sup>2</sup> Para. (ab) inserted in subsection (2) and subsection (3A) inserted in s. 5 (2.7.02) for the purposes of exercising power to make regs. or orders by the State Pension Credit Act 2002 (c. 16), Sch. 1, para. 3(2).

<sup>3</sup> S. 5(2)(c) & (d) repealed (8.4.03) by the Tax Credits Act 2002 (c. 21), Sch. 6.

<sup>4</sup> S. 5(2A) - (2C) inserted (1.10.07 for reg. making purposes and 7.4.08 for all other purposes) by the Welfare Reform Act 2007 (c. 5), s. 35.

<sup>5</sup> S. 5(3) ceased to have effect (7.4.08) by the Welfare Reform Act 2007 (c. 5), s. 35(3).

<sup>6</sup> S. 5(3A) inserted in subsection (2) and subsection (3A) inserted in s. 5 (2.7.02) for the purposes of exercising power to make regs. or orders by the State Pension Credit Act 2002 (c. 16), Sch. 1, para. 3.

<sup>7</sup> S. 5(4) repealed (2.7.01) by S.S. Act 1998 (c. 14), Sch. 7, para. 79(2).

<sup>8</sup> Words in s. 5(5) substituted (8.12.02) by the Employment Act 2002 (c. 22), Sch. 7, para. 11.

<sup>9</sup> Words in s. 5(5) substituted (21.6.06) by the Work and Families Act 2006 (c. 18), s. 24.

<sup>10</sup> S. 5(6) inserted (with unlimited retrospective) by s. 120 of Housing Act 1996 (c. 52).

*Community charge benefits etc.†*

†Unreliable heading.

- 6.—(1) Regulations may provide as follows as re-gards [<sup>1</sup>council tax benefit]—
- (a) for requiring a claim for a benefit to be made by such person, in such manner and within such time as may be prescribed;
- (b) for treating a claim made in such circumstances as may be prescribed as having been made at such date earlier or later than that at which it is made as may be prescribed;
- (c) for permitting a claim to be made, or treated as if made, for a period wholly or partly after the date on which it is made;
- (d) for permitting an award on a claim to be made for such a period subject to the condition that the claimant satisfies the requirements for entitlement when benefit becomes payable, or any right to a reduction [...<sup>2</sup>] becomes available, under the award;
- (e) for a review of any award if those requirements are found not to have been satisfied;
- (f) for the disallowance on any ground of a person's claim for a benefit to be treated as a disallowance of any further claim by that person for that benefit until the grounds of the original disallowance have ceased to exist;
- (g) for enabling one person to act for another in relation to a claim for a benefit and for enabling such a claim to be made and proceeded with in the name of a person who has died;
- (h) for requiring any information or evidence needed for the determination of a claim or of any question arising in connection with a claim to be furnished by such person as may be prescribed in accordance with the regulations;
- [<sup>3</sup>hh) for requiring such person as may be prescribed in accordance with the regulations to furnish any information or evidence needed for a determination whether a decision on an award of a benefit—
- (i) should be revised under paragraph 3 of Schedule 7 to the Child Support, Pensions and Social Security Act 2000; or
- (ii) should be superseded under paragraph 4 of that Schedule;]
- (i) for the time when and manner in which any benefit (or part) which takes the form of a payment is to be paid, and for the information and evidence to be furnished in connection with the payment;
- (j) for the time when the right to make a reduction [...<sup>4</sup>] may be exercised;
- (k) for notice to be given of any change of circumstances affecting the continuance of entitlement to a benefit;
- (l) for the day on which entitlement to a benefit is to begin or end;
- (m) for calculating the amount of a benefit according to a prescribed scale or otherwise adjusting it so as to avoid fractional amounts or facilitate computation;
- (n)-(o) [...<sup>5</sup>]
- (p) in the case of any benefit (or part) which takes the form of a payment, for payment or distribution to or among persons claiming to be entitled on the death or any person, and for dispensing with strict proof of their title;

Regulations about community charge benefits administration.†

<sup>1</sup> Words in s. 6(1) substituted (6.3.92) by L.G.F. Act 1992 (c. 14), Sch. 9, para. 12(1)(a), for purposes of council tax and council tax benefit from 1.4.93.

<sup>2</sup> Words in s. 6(1)(d) repealed by L.G.F. Act 1992 (c. 14), Sch. 9, para. 12(1)(b), and Sch. 14, for purposes of council tax and council tax benefit from 1.4.93.

<sup>3</sup> Para. (hh) inserted (1.11.00) in s. 6(1) by the Child Support, Pensions & Social Security Act 2000 (c. 19), Sch. 7, para. 21(2).

<sup>4</sup> Words in s. 6(1) repealed by L.G.F. Act 1992 (c. 14), Sch. 9, para. 12(1)(c) and Sch. 14 for purposes of council tax and council tax benefit from 1.4.93.

<sup>5</sup> Paras. (n) & (o) of s. 6(1) repealed (2.7.01) by the S.S. Act 1998 (c. 14), Sch. 7, para. 80.

**SOCIAL SECURITY ADMINISTRATION ACT 1992 (c. 5)**

**Ss. 6-7A**

- (q) in the case of any benefit (or part) which takes the form of a payment, or the circumstances and manner in which payment may be made to one person on behalf of another for any purpose, which may be to discharge, in whole or in part, an obligation of the person entitled to the benefit of any other person;
- (r) for making a payment on account of a benefit, or conferring a right to make a reduction [...] on account, where no claim has been made and it is impracticable for one to be made immediately;
- (s) for making a payment on account, of a benefit, or conferring a right to make a reduction [...] on account, where a claim has been made but it is impracticable for the claim or an appeal, reference, review or application relating to it to be determined immediately;
- (t) for making a payment on account of a benefit, or conferring a right to make a reduction [...] on account, where an award has been made but it is impracticable to institute the benefit immediately;
- (u) generally as to administration.

1992 c.14.

(2) Regulations under this section may include [2provision in relation to council tax benefit that prescribed provisions shall apply instead of prescribed provisions of Part I or II of the Local Government Finance Act 1992, or that prescribed provisions of either of those Parts shall not apply] or shall apply subject to prescribed amendments or adaptations.

[3(3) References in subsection (2) above to either of the Parts there mentioned include references to regulations made under the Part concerned.]

† *Unreliable marginal note.*

Relationship between community charge benefits and other benefits.†

**7.—(1)** Regulations may provide for a claim for one relevant benefit to be treated, either in the alternative or in addition, as a claim for any other relevant benefit that may be prescribed.

(2) Regulations may provide for treating a payment made or right conferred by virtue of regulations—

- (a) under section 5(1)(r) above; or
- (b) under section 6(1)(r) to (t) above,

as made or conferred on account of any relevant benefit that is subsequently awarded or paid.

(3) For the purposes of subsection (1) and (2) above relevant benefit are—

- (a) any benefit to which section 5 above applies; and
- (b) [4council tax benefit].

† *Unreliable marginal note.*

*[5Sharing of functions as regards certain claims and information*

Sharing of functions as regards certain claims and information.

**7A.—(1)** Regulations may, for the purpose of supplementing the persons or bodies to whom claims for relevant benefits may be made, make provision—

- (a) as regards housing benefit or council tax benefit, for claims for that benefit to be made to—

<sup>1</sup> Words in s. 6(1) repealed by L.G.F. Act 1992 (c. 14), Sch. 9, para. 12(1)(c) and Sch. 14 for purposes of council tax and council tax benefit from 1.4.93.

<sup>2</sup> Words substituted (6.3.92) in s. 6(2) by L.G.F. Act 1992 (c. 14), Sch. 9, para. 12(2), for purposes of council tax and council tax benefit from 1.4.93.

<sup>3</sup> S. 6(3) substituted (6.3.92) by L.G.F. Act 1992 (c. 14), Sch. 9, para. 12(3), for purposes of council tax and council tax benefit from 1.4.93.

<sup>4</sup> Words in s. 7(3)(b) substituted (6.3.92) by L.G.F. Act 1992 (c. 14), Sch. 9, para. 13, for purposes of council tax and council tax benefit from 1.4.93.

<sup>5</sup> S. 7A inserted (11.11.99) by the Welfare Reform and Pensions Act 1999 (c. 30), s. 71.

- (i) a Minister of the Crown, or
  - (ii) a person providing services to a Minister of the Crown;
  - (b) as regards any other relevant benefit, for claims for that benefit to be made to—
    - (i) a local authority,
    - (ii) a person providing services to a local authority, or
    - (iii) a person authorised to exercise any function of a local authority relating to housing benefit or council tax benefit.
  - [<sup>1</sup>(c) as regards any relevant benefit, for claims for that benefit to be made to—
    - (i) a county council in England,
    - (ii) a person providing services to a county council in England, or
    - (iii) a person authorised to exercise any function a county council in England has under this section.]
- (2) Regulations may make provision for or in connection with—
- (a) the forwarding by a relevant authority of—
    - (i) claims received by virtue of any provision authorised by subsection (1) above, and
    - (ii) information or evidence supplied in connection with making such claims (whether supplied by persons making the claims or by other persons);
  - (b) the receiving and forwarding by a relevant authority of information or evidence relating to social security [<sup>2</sup>or work] matters supplied by, or the obtaining by a relevant authority of such information or evidence from—
    - (i) persons making, or who have made, claims for a relevant benefit, or
    - (ii) other persons in connection with such claims,
 including information or evidence not relating to the claims or benefit in question;
  - (c) the recording by a relevant authority of information or evidence relating to social security [<sup>2</sup>or work] matters supplied to, or obtained by, the authority and the holding by the authority of such information or evidence (whether as supplied or obtained or as recorded);
  - (d) the giving of information or advice with respect to social security [<sup>2</sup>or work] matters by a relevant authority to persons making, or who have made, claims for a relevant benefit.
  - [<sup>3</sup>(e) the verification by a relevant authority of information or evidence supplied to or obtained by the authority in connection with a claim for or an award of a relevant benefit.]
- (3) In paragraphs (b) [<sup>3</sup>, d and e] of subsection (2) above—
- (a) references to claims for a relevant benefit are to such claims whether made as mentioned in subsection [<sup>3</sup>(1)(a), (b) or (c)] (1)(a) or (b) above or not; and
  - (b) references to persons who have made such claims include persons to whom awards of benefit have been made on the claims.
- (4) Regulations under this section may make different provision for different areas.
- (5) Regulations under any other enactment may make such different provision for different areas as appears to the Secretary of State expedient in connection with any exercise by regulations under this section of the power conferred by subsection (4) above.

(6) In this section—

<sup>1</sup> In s. 7A sub-para. (1)(c) inserted (3.7.07) by the Welfare Reform Act 2007 (c. 5), s. 41.

<sup>2</sup> Words inserted in s. 7A(2)(b) (24.11.02) by the Employment Act 2002 (c. 22), Sch. 7, para. 12(a).

<sup>3</sup> In s. 7A sub-para. (2)(e) inserted and words substituted in (3) & (3)(a) (3.7.07) by the Welfare Reform Act 2007 (c. 5), s. 41(2)(c).

**SOCIAL SECURITY ADMINISTRATION ACT 1992 (c. 5)**

**Ss. 7A-7B**

- (a) “benefit” includes child support or a war pension (any reference to a claim being read, in relation to child support, as a reference to an application under the Child Support Act 1991 for a maintenance assessment);
- (b) “local authority” means an authority administering housing benefit or council tax benefit;
- [<sup>1</sup>(c) “relevant authority” means—
  - (i) a Minister of the Crown;
  - (ii) a local authority;
  - (iii) a county council in England;
  - (iv) a person providing services to a person mentioned in sub-paragraphs (i) to (iii);
  - (v) a person authorised to exercise any function of a local authority relating to housing benefit or council tax benefit;
  - (vi) a person authorised to exercise any function a county council in England has under this section;]
- (d) “relevant benefit” means housing benefit, council tax benefit or any other benefit prescribed for the purposes of this section;
- [<sup>2</sup>(e) “social security or work matters” means matters relating to—
  - (i) social security, child support or war pensions, or
  - (ii) employment or training;]and in this subsection “war pension” means a war pension within the meaning of section 25 of the Social Security Act 1989 (establishment and functions of war pensions committees).]

Use of social security information.

[<sup>3</sup>**7B.**—(1) A relevant authority may use for a relevant purpose any social security information which it holds.

(2) Regulations may make provision as to the procedure to be followed by a relevant authority for the purposes of any function it has relating to the administration of a specified benefit if the authority holds social security information which—

- (a) is relevant for the purposes of anything which may or must be done by the authority in connection with a claim for or an award of the benefit, and
- (b) was used by another relevant authority in connection with a claim for or an award of a different specified benefit or was verified by that other authority in accordance with regulations under section 7A(2)(e) above.

(3) A relevant purpose is anything which is done in relation to a claim which is made or which could be made for a specified benefit if it is done for the purpose of—

- (a) identifying persons who may be entitled to such a benefit;
- (b) encouraging or assisting a person to make such a claim;
- (c) advising a person in relation to such a claim.

(4) Social security information means—

- (a) information relating to social security, child support or war pensions;
- (b) evidence obtained in connection with a claim for or an award of a specified benefit.

(5) A specified benefit is a benefit which is specified in relations for the purposes of this section.

(6) Expressions used in this section and in section 7A have the same meaning in this section as in that section.

---

<sup>1</sup> S. 7A(6)(c) substituted (3.7.07) by the Welfare Reform Act 2007 (c. 5), s. 41(2)(e).

<sup>2</sup> Para. (e) substituted in s. 7A(6) (24.11.02) by the Employment Act 2002 (c. 22), Sch. 7, para. 12(b).

<sup>3</sup> S. 7B inserted (1.10.07) by the Welfare Reform Act 2007 (c. 5), s. 41(1).

(7) This section does not affect any power which exists apart from this section to use for one purpose social security information obtained in connection with another purpose.]

Ss. 8-15A—see volume 1.

*Emergency payments*

- 16.—**(1) The Secretary of State may make arrangements—
- (a) with a local authority to which this section applies; or
  - (b) with any other body,

Emergency payments by local authorities and other bodies.

for the making on his behalf by members of the staff of any such authority or body of payments on account of benefits to which section 5 above applies in circumstances corresponding to those in which the Secretary of State himself has the power to make such payments under subsection (1)(r) of that section; and a local authority to which this section applies shall have power to enter into any such arrangements.

(2) A payment under any such arrangements shall be treated for the purposes of any Act of Parliament or instrument made under an Act of Parliament as if it had been made by the Secretary of State.

(3) The Secretary of State shall repay a local authority or other body such amount as he determines to be the reasonable administrative expenses incurred by the authority or body in making payments in accordance with arrangements under this section.

- (4) The local authorities to which this section applies are—
- (a) a local authority as defined by section 270(1) of the Local Government Act 1972, other than a parish or community council; 1972 c. 70.
  - (b) the Common Council of the City of London; and
  - (c) a local authority as defined in section 235(1) of the Local Government (Scotland) Act 1973. 1973 c. 65.

Ss. 17-62—see volume 1.

**63.** [...<sup>1</sup>]

Ss. 64-70—see volume 1.

**PART III**

**OVERPAYMENTS AND ADJUSTMENTS OF BENEFIT**

Ss. 71-74—see Volume 1.

*Housing benefit*

**75.—**(1) Except where regulations otherwise provide, any amount of housing benefit [²determined in accordance with regulations to have been] paid in excess of entitlement may be recovered [...³] either by the Secretary of State or by the authority which paid the benefit. Overpayments of housing benefit.

(2) Regulations may require such an authority to recover such an amount in such circumstances as may be prescribed.

---

<sup>1</sup> S. 63 repealed (18.10.99) by Social Security Act 1998 (c. 14), s. 39(3).  
<sup>2</sup> Words inserted (1.7.97) by Sch. 1, para. 3 to Social Security Administration (Fraud) Act 1997 (c. 47).  
<sup>3</sup> Words repealed (1.7.97) by Sch. 2 to Social Security Administration (Fraud) Act 1997 (c. 47).

- [<sup>1</sup>(3) An amount recoverable under this section shall be recoverable—
- (a) except in such circumstances as may be prescribed, from the person to whom it was paid; and
  - (b) where regulations so provide, from such other person (as well as, or instead of, the person to whom it was paid) as may be prescribed.]
- (4) Any amount recoverable under this section may, without prejudice to any other method of recovery, be recovered by deduction from prescribed benefits.
- [<sup>2</sup>(5) Where an amount paid to a person on behalf of another person is recoverable under this section, subsections (3) and (4) above authorise its recovery from the person to whom it was paid by deduction—
- (a) from prescribed benefits to which he is entitled;
  - (b) from prescribed benefits paid to him to discharge (in whole or in part) an obligation owed to him by the person on whose behalf the recoverable amount was paid; or
  - (c) from prescribed benefits paid to him to discharge (in whole or in part) an obligation owed to him by any other person.
- (6) Where an amount is recovered as mentioned in paragraph (b) of subsection (5) above, the obligation specified in that paragraph shall in prescribed circumstances be taken to be discharged by the amount of the deduction; and where an amount is recovered as mentioned in paragraph (c) of that subsection, the obligation specified in that paragraph shall in all cases be taken to be so discharged.
- (7) Where any amount recoverable under this section is to be recovered otherwise than by deduction from prescribed benefits—
- (a) if the person from whom it is recoverable resides in England and Wales and the county court so orders, it is recoverable by execution issued from the county court or otherwise as if it were payable under an order of that court; and
  - (b) if he resides in Scotland, it may be enforced in the same manner as an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court of any sheriffdom in Scotland.]

*Community charge benefits†*

Excess benefits.

**76.—**(1) Regulations may make provision as to any case where a [<sup>3</sup>billing authority] or a [<sup>4</sup>local authority in Scotland] has allowed [<sup>3</sup>council tax benefit] to a person and the amount allowed exceeds the amount to which he is entitled in respect of the benefit.

- (2) [...<sup>5</sup>] the regulations may provide that—
- (a) a sum equal to the excess shall be due from the person concerned to the authority (whatever the form the benefit takes);
  - (b) any liability under any provision included under paragraph (a) above shall be met by such method mentioned in subsection (3) below as is prescribed as regards the case concerned, or by such combination of two or all three of the methods as is prescribed as regards the case concerned.

---

<sup>1</sup> Subsection (3) inserted in s. 75 (1.11.00) by the Child Support, Pensions & Social Security Act 2000 (c. 19), s. 71.

<sup>2</sup> Subsection 75(5) inserted (8.10.97 for the purposes of making the regs.; 3.11.97 for all other purposes) by s. 16 of Social Security Administration (Fraud) Act 1997 (c. 47).

<sup>3</sup> Words in s. 76(1) substituted (6.3.92) by L.G.F. Act 1992 (c. 14), Sch. 9, para. 156(1), for purposes of council tax and council tax benefit from 1.4.93.

<sup>4</sup> Words substituted (1.4.96) in s. 76(1) by para. 175(3) of Sch. 13 to Local Government etc. (Scotland) Act 1994 (c. 39).

<sup>5</sup> Words in s. 76(2) repealed by L.G.F. Act 1992 (c. 14), Sch. 9, para. 15(2) and Sch. 14, for purposes of council tax and council tax benefit from 1.4.93.

(3) The methods are—

- (a) payment by the person concerned;
- (b) addition to any amount payable in respect of [<sup>1</sup>council tax];
- (c) deduction from prescribed benefits.

Shortfall in benefits.

(4)–(5) [...<sup>2</sup>]

(6) In a case where the regulations provide that a sum or part of a sum is to be paid, and the sum or part is not paid on or before such day as may be prescribed, the regulations may provide that the sum or part shall be recoverable in a court of competent jurisdiction.

(7) [...<sup>2</sup>]

(8) The regulations may provide that they are not to apply as regards any case falling within a prescribed category.

† *Unreliable heading.*

**77.—**(1) Regulations may make provision as to any case where a [<sup>3</sup>billing authority] or a [<sup>4</sup>local authority in Scotland] has allowed [<sup>3</sup>council tax benefit] to a person and the amount allowed is less than the amount to which he is entitled in respect of the benefit.

Shortfall in benefits.

(2)–(3) [...<sup>5</sup>]

*Social fund awards*

S. 78(1)—see *Volume 1*.

Recovery of social fund awards.

**78.—**(2) Without prejudice to any other method of recovery, the Secretary of State may recover an [<sup>6</sup>award] by deduction from prescribed benefits.

S. 78(3)–(9)—see *Volume 1*.

*Northern Ireland payments*

**79.** Without prejudice to any other method of recovery—

- (a) amounts recoverable under any enactment or instrument having effect in Northern Ireland and corresponding to an enactment or instrument mentioned in section 71(8) above shall be recoverable by deduction from benefits prescribed under that subsection;
- (b) amounts recoverable under any enactment having effect in Northern Ireland and corresponding to section 75 above shall be recoverable by deduction from benefits prescribed under subsection (4) of that section; and
- (c) awards recoverable under Part III of the Northern Ireland Administration Act shall be recoverable by deduction from benefits prescribed under subsection (2) of section 78 above and subsection (3) of that section shall have effect in relation to such awards as it has effect in relation to awards out of the social fund under this Act.

Recovery of Northern Ireland payments.

Ss. 80–109—see *Volume 1*.

<sup>1</sup> Words in s. 76(3)(b) substituted (6.3.92) by L.G.F. Act 1992 (c. 14), Sch. 9, para. 15(3), for purposes of council tax and council tax benefit from 1.4.93.

<sup>2</sup> Subsections (4), (5) and (7) of s. 76 repealed by L.G.F. Act 1992 (c. 14), Sch. 9, 15(4) and Sch. 14, for purposes of council tax and council tax benefit from 1.4.93.

<sup>3</sup> Words in s. 77(1) substituted (6.3.92) by L.G.F. Act 1992 (c. 14), Sch. 9, para. 16(1) for purposes of council tax and council tax benefit from 1.4.93.

<sup>4</sup> Words substituted (1.4.96) in s. 77(1) by para.175(3) of Sch. 13 to Local Government etc. (Scotland) Act 1994 (c. 39).

<sup>5</sup> Subsections (2) and (3) of s. 77 repealed by L.G.F. Act 1992 (c. 14), Sch. 9, para. 16(2) and Sch. 14, for purposes of council tax and council tax benefit from 1.4.93.

<sup>6</sup> The reference to “award” in s. 78(2) follows a reference in s. 78(1) to “a social fund award”.



PART VI  
ENFORCEMENT

*Inspection and offences*

[<sup>1</sup>109A.—(1) An individual who for the time being has the Secretary of State's authorisation for the purposes of this Part shall be entitled, for any one or more of the purposes mentioned in subsection (2) below, to exercise any of the powers which are conferred on an authorised officer by sections 109B and 109C below. Authorisations for investigators.

(2) Those purposes are—

- (a) ascertaining in relation to any case whether a benefit is or was payable in that case in accordance with any provision of the relevant social security legislation;
- (b) investigating the circumstances in which any accident, injury or disease which has given rise, or may give rise, to a claim for—
  - (i) industrial injuries benefit, or
  - (ii) any benefit under any provision of the relevant social security legislation,
 occurred or may have occurred, or was or may have been received or contracted;
- (c) ascertaining whether provisions of the relevant social security legislation are being, have been or are likely to be contravened (whether by particular persons or more generally);
- (d) preventing, detecting and securing evidence of the commission (whether by particular persons or more generally) of benefit offences.

(3) An individual has the Secretary of State's authorisation for the purposes of this Part if, and only if, the Secretary of State has granted him an authorisation for those purposes and he is—

- (a) an official of a Government department;
- (b) an individual employed by an authority administering housing benefit or council tax benefit;
- (c) an individual employed by an authority or joint committee that carries out functions relating to housing benefit or council tax benefit on behalf of the authority administering that benefit; or
- (d) an individual employed by a person authorised by or on behalf of any such authority or joint committee as is mentioned in paragraph (b) or (c) above to carry out functions relating to housing benefit or council tax benefit for that authority or committee.

(4) An authorisation granted for the purposes of this Part to an individual of any of the descriptions mentioned in subsection (3) above—

- (a) must be contained in a certificate provided to that individual as evidence of his entitlement to exercise powers conferred by this Part;
- (b) may contain provision as to the period for which the authorisation is to have effect; and
- (c) may restrict the powers exercisable by virtue of the authorisation so as to prohibit their exercise except for particular purposes, in particular circumstances or in relation to particular benefits or particular provisions of the relevant social security legislation.

(5) An authorisation granted under this section may be withdrawn at any time by the Secretary of State.

(6) Where the Secretary of State grants an authorisation for the purposes of this Part to an individual employed by a local authority, or to an individual employed by a person who carries out functions relating to housing benefit or council tax benefit on behalf of a local authority—

---

<sup>1</sup> Ss. 109A-109C substituted (2.4.01) for s. 110, by s. 67 of the Child Support, Pensions & Social Security Act 2000 (c. 19).

**SOCIAL SECURITY ADMINISTRATION ACT 1992 (c. 5)**

**Ss. 109A-109B**

- (a) the Secretary of State and the local authority shall enter into such arrangements (if any) as they consider appropriate with respect to the carrying out of functions conferred on that individual by or in connection with the authorisation granted to him; and
- (b) the Secretary of State may make to the local authority such payments (if any) as he thinks fit in respect of the carrying out by that individual of any such functions.

(7) The matters on which a person may be authorised to consider and report to the Secretary of State under section 139A below shall be taken to include the carrying out by any such individual as is mentioned in subsection (3)(b) to (d) above of any functions conferred on that individual by virtue of any grant by the Secretary of State of an authorisation for the purposes of this Part.

(8) The powers conferred by sections 109B and 109C below shall be exercisable in relation to persons holding office under the Crown and persons in the service of the Crown, and in relation to premises owned or occupied by the Crown, as they are exercisable in relation to other persons and premises.

Power to require information.

**109B.**—(1) An authorised officer who has reasonable grounds for suspecting that a person—

- (a) is a person falling within subsection (2) [<sup>1</sup> or (2A)] below, and
- (b) has or may have possession of or access to any information about any matter that is relevant for any one or more of the purposes mentioned in section 109A(2) above,

may, by written notice, require that person to provide all such information described in the notice as is information of which he has possession, or to which he has access, and which it is reasonable for the authorised officer to require for a purpose so mentioned.

(2) The persons who fall within this subsection are—

- (a) any person who is or has been an employer or employee within the meaning of any provision made by or under the Contributions and Benefits Act;
- (b) any person who is or has been a self-employed earner within the meaning of any such provision;
- (c) any person who by virtue of any provision made by or under that Act falls, or has fallen, to be treated for the purposes of any such provision as a person within paragraph (a) or (b) above;
- (d) any person who is carrying on, or has carried on, any business involving the supply of goods for sale to the ultimate consumers by individuals not carrying on retail businesses from retail premises;
- (e) any person who is carrying on, or has carried on, any business involving the supply of goods or services by the use of work done or services performed by persons other than employees of his;
- (f) any person who is carrying on, or has carried on, an agency or other business for the introduction or supply, to persons requiring them, of persons available to do work or to perform services;
- (g) any local authority acting in their capacity as an authority responsible for the granting of any licence;
- (h) any person who is or has been a trustee or manager of a personal or occupational pension scheme;
- (i) any person who is or has been liable to make a compensation payment or a payment to the Secretary of State under section 6 of the Social Security (Recovery of Benefits) Act 1997 (payments in respect of recoverable benefits); and

<sup>1</sup> Words in s. 109B(1) inserted (30.4.02) by the Social Security Fraud Act 2001, (c. 11), s. 1(2).

- (j) the servants and agents of any such person as is specified in any of paragraphs (a) to (i) above.

[<sup>1</sup>(2A) The persons who fall within this subsection are—

- (a) any bank;

[<sup>2</sup>(aa) the director of the National Savings;]

- (b) any person carrying on a business the whole or a significant part of which consists in the provision of credit (whether secured or unsecured) to members of the public;

[<sup>3</sup>(c) any insurer;]

- (d) any credit reference agency (within the meaning given by section 145(8) of the Consumer Credit Act 1974 (c. 39));

- (e) any body the principal activity of which is to facilitate the exchange of information for the purpose of preventing or detecting fraud;

- (f) any person carrying on a business the whole or a significant part of which consists in the provision to members of the public of a service for transferring money from place to place;

- (g) any water undertaker or sewerage undertaker, any water and sewerage authority constituted under section 62 of the Local Government etc. (Scotland) Act 1994 (c. 39) or any authority which is a collecting authority for the purposes of section 79 of that Act;

[<sup>3</sup>(h) any person who

- (i) is the holder of a licence under section 7 of the Gas Act 1986 (c. 44) to convey gas through pipes. or

- (ii) is the holder of a licence under section 7A(1) of that Act to supply gas through pipes;

- (i) any person who (within the meaning of the Electricity Act 1989 (c. 29)) supplies electricity;]

- (j) any person who provides a telecommunications service;

- (k) any person conducting any educational establishment or institution;

- (l) any body the principal activity of which is to provide services in connection with admissions to educational establishments or institutions;

- (m) the Student Loans Company;

- (n) any servant or agent of any person mentioned in any of the preceding paragraphs.

(2B) Subject to the following provisions of this section, the powers conferred by this section on an authorised officer to require information from any person by virtue of his falling within subsection (2A) above shall be exercisable for the purpose only of obtaining information relating to a particular person identified (by name or description) by the officer.

(2C) An authorised officer shall not, in exercise of those powers, require any information from any person by virtue of his falling within subsection (2A) above unless it appears to that officer that there are reasonable grounds for believing that the identified person to whom it relates is—

- (a) a person who has committed, is committing or intends to commit a benefit offence; or

- (b) a person who (within the meaning of Part 7 of the Contributions and Benefits Act) is a member of the family of a person falling within paragraph (a) above.

<sup>1</sup> Ss. (2A)-(2F) inserted (30.4.02) by the Social Security Fraud Act 2001 (c. 11), s. 1(2).

<sup>2</sup> Para. (aa) inserted in s. 109B(2A) (1.4.02) by S.I. 2002/817, art. 2(a).

<sup>3</sup> Paras. (c), (h) & (i) of 109B(2A) substituted (1.4.02) by S.I. 2002/817, art. 2(b)-(d).

**SOCIAL SECURITY ADMINISTRATION ACT 1992 (c. 5)**

**S. 109B**

(2D) Nothing in subsection (2B) or (2C) above shall prevent an authorised officer who is an official of a Government department and whose authorisation states that his authorisation applies for the purposes of this subsection from exercising the powers conferred by this section for obtaining from—

- (a) a water undertaker or any water and sewerage authority constituted under section 62 of the Local Government etc. (Scotland) Act 1994,
- (b) any person who (within the meaning the Gas Act 1986) supplies gas conveyed through pipes,
- (c) any person who (within the meaning of the Electricity Act 1989) supplies electricity conveyed by distribution systems, or
- (d) any servant or agent of a person mentioned in any of the preceding paragraphs,

any information which relates exclusively to whether and in what quantities water, gas or electricity are being or have been supplied to residential premises specified or described in the notice by which the information is required.

(2E) The powers conferred by this section shall not be exercisable for obtaining from any person providing a telecommunications service any information other than information which (within the meaning of section 21 of the Regulation of Investigatory Powers Act 2000 (c. 23)) is communications data but not traffic data.

(2F) Nothing in subsection (2B) or (2C) above shall prevent an authorised officer from exercising the powers conferred by this section for requiring information, from a person who provides a telecommunications service, about the identity and postal address of a person identified by the authorised officer solely by reference to a telephone number or electronic address used in connection with the provision of such a service.]

(3) The obligation of a person to provide information in accordance with a notice under this section shall be discharged only by the provision of that information, at such reasonable time and in such form as may be specified in the notice, to the authorised officer who—

- (a) is identified by or in accordance with the terms of the notice; or
- (b) has been identified, since the giving of the notice, by a further written notice given by the authorised officer who imposed the original requirement or another authorised officer.

(4) The power of an authorised officer under this section to require the provision of information shall include a power to require the production and delivery up and (if necessary) creation of, or of copies of or extracts from, any such documents containing the information as may be specified or described in the notice imposing the requirement.

[<sup>1</sup>(5) No one shall be required under this section to provide—

- (a) any information that tends to incriminate either himself or, in the case of a person who is [<sup>2</sup>married or is a civil partner, his spouse or civil partner]; or
- (b) any information in respect of which a claim to legal professional privilege or, in Scotland, confidentiality as between client and professional legal adviser, would be successful in any proceedings;

and for the purposes of this subsection it is immaterial whether the information is in documentary form or not.]

[<sup>3</sup>(6) Provision may be made by order—

- (a) adding any person to the list of persons falling within subsection (2A) above;
- (b) removing any person from the list of persons falling within that subsection;

---

<sup>1</sup> S. 109(5) substituted (30.4.02) by the Social Security Fraud Act 2001 (c. 11), s. 1(3).

<sup>2</sup> Words substituted in s. 109B(5)(a) (5.12.05) by the Civil Partnership Act 2004 (c. 33), Sch. 24, para. 64.

<sup>3</sup> Subsection (6) & (7) inserted (26.2.02) by the Social Security Act 2001 (c. 11), s. 1(4).

- (c) modifying that subsection for the purpose of taking account of any change to the name of any person for the time being falling within that subsection.

(7) In this section—

[<sup>1</sup>“bank” means—

- (a) a person who has permission under Part IV of the Financial Services and Markets Act 2000 (c. 8) to accept deposits;
- (b) an EEA firm of the kind mentioned in paragraph 5(b) of Schedule 3 to that Act which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to accept deposits or other repayable funds from the public; or
- (c) a person who does not require permission under that Act to accept deposits, in the course of his business in the United Kingdom;]

credit” includes a cash loan or any form of financial accommodation, including the cashing of a cheque;

[<sup>2</sup>“insurer” means—

- (a) a person who has permission under Part IV of the Financial Services and Markets Act 2000 to effect of carry out contracts of insurance; or
- (b) an EEA firm of the kind mentioned in paragraph 5(d) of Schedule 3 to that Act, which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to effect or carry out contacts of insurance;]

“residential premises”, in relation to a supply of water, gas or electricity, means any premises which—

- (a) at the time of the supply were premises occupied wholly or partly for residential purposes, or
- (b) are premises to which that supply was provided as if they were so occupied; and

“telecommunications service” has the same meaning as in the Regulation of Investigatory Powers Act 2000 (c. 23).]

[<sup>2</sup>(7A) The definitions of “bank” and “insurer” in subsection (7) must be read with—

- (a) section 22 of the Financial Services and Markets Act 2000;
- (b) any relevant order under that section; and
- (c) Schedule 2 to that Act.]

[<sup>3</sup>**109BA.**—(1) Subject to subsection (2) below, where it appears to the Secretary of State—

- (a) that a person falling within section 109B(2A) keeps any electronic records,
- (b) that the records contain or are likely, from time to time, to contain information about any matter that is relevant for any one or more of the purposes mentioned in section 109A(2) above, and
- (c) that facilities exist under which electronic access to those records is being provided, or is capable of being provided, by that person to other persons,

Power of Secretary of State to require electronic access to information

the Secretary of State may require that person to enter into arrangements under which authorised officers are allowed such access to those records.

(2) An authorised officer—

<sup>1</sup> Defn. of “bank” substituted (1.4.02) by S.I. 2002/817, art. 3(a)(i).

<sup>2</sup> Defn. of “insurer” & SS. (7A) inserted (1.4.02) by S.I. 2002/817, art. 3(a)(ii) & (b).

<sup>3</sup> Section 109BA inserted (30.4.02) by the Social Security Act 2002 (c. 11), s. 2.

**SOCIAL SECURITY ADMINISTRATION ACT 1992 (c. 5)**

**Ss. 109BA-109C**

- (a) shall be entitled to obtain information in accordance with arrangements entered into under subsection (1) above only if his authorisation states that his authorisation applies for the purposes of that subsection; and
- (b) shall not seek to obtain any information in accordance with any such arrangements other than information which relates to a particular person and could be the subject of a requirement under section 109B above.

(3) The matters that may be included in the arrangements that a person is required to enter into under subsection (1) above may include—

- (a) requirements as to the electronic access to records that is to be made available to authorised officers;
- (b) requirements as to the keeping of records of the use that is made of the arrangements;
- (c) requirements restricting the disclosure of information about the use that is made of the arrangements; and
- (d) such other incidental requirements as the Secretary of State considers appropriate in connection with allowing access to records to authorised officers.

(4) An authorised officer who is allowed access in accordance with any arrangements entered into under subsection (1) above shall be entitled to make copies of, and to take extracts from, any records containing information which he is entitled to require under section 109B.]

Powers of entry.

**109C.**— (1) An authorised officer shall be entitled, at any reasonable time and either alone or accompanied by such other persons as he thinks fit, to enter any premises which—

- (a) are liable to inspection under this section; and
- (b) are premises to which it is reasonable for him to require entry in order to exercise the powers conferred by this section.

(2) An authorised officer who has entered any premises liable to inspection under this section may—

- (a) make such an examination of those premises, and
- (b) conduct any such inquiry there,

as appears to him appropriate for any one or more of the purposes mentioned in section 109A(2) above.

(3) An authorised officer who has entered any premises liable to inspection under this section may—

- (a) question any person whom he finds there;
- (b) require any person whom he finds there to do any one or more of the following—
  - (i) to provide him with such information,
  - (ii) to produce and deliver up and (if necessary) create such documents or such copies of, or extracts from, documents,

as he may reasonably require for any one or more of the purposes mentioned in section 109A(2) above; and

- (c) take possession of and either remove or make his own copies of any such documents as appear to him to contain information that is relevant for any of those purposes.

(4) The premises liable to inspection under this section are any premises (including premises consisting in the whole or a part of a dwelling house) which an authorised officer has reasonable grounds for suspecting are—

- (a) premises which are a person's place of employment;
- (b) premises from which a trade or business is being carried on or where documents relating to a trade or business are kept by the person carrying it on or by another person on his behalf;
- (c) premises from which a personal or occupational pension scheme is being administered or where documents relating to the administration of such a scheme are kept by the person administering the scheme or by another person on his behalf;
- (d) premises where a person who is the compensator in relation to any such accident, injury or disease as is referred to in section 109A(2)(b) above is to be found;
- (e) premises where a person on whose behalf any such compensator has made, may have made or may make a compensation payment is to be found.

(5) An authorised officer applying for admission to any premises in accordance with this section shall, if required to do so, produce the certificate containing his authorisation for the purposes of this Part.

(6) Subsection (5) of section 109B applies for the purposes of this section as it applies for the purposes of that section.]

[<sup>1</sup>110ZA.—(1) Section 20 of the Taxes Management Act 1970 (power to call for documents etc) applies (with sections 20B and 20BB) in relation to a person's liability to pay relevant contributions as it applies in relation to a person's tax liability (but subject to the modifications provided by subsection (2)).

Class 1, 1A, 1B or 2 contributions: powers to call for documents etc.

(2) Those sections apply as if—

- (a) the references to the taxpayer, a taxpayer or a class of taxpayers were to the person, a person or a class of persons required to pay relevant contributions,
- (b) the references to an inspector were to an officer of the Inland Revenue,
- (c) the references to any provision of the Taxes Acts were to any provision of this Act or the Contributions and Benefits Act relating to relevant contributions,
- (d) the references to the assessment or collection of tax were to the assessment of liability for, and payment of, relevant contributions,
- (e) the reference to an appeal relating to tax were to an appeal relating to relevant contributions, and
- (f) the reference to believing that tax has been, or may have been, lost to the Crown were to believing that the Crown has, or may have, incurred a loss.

(3) In this section “relevant contributions” means Class 1, Class 1A, Class 1B or Class 2 contributions.]

[<sup>2</sup>110A.—(1) An individual who for the time being has the authorisation for the purposes of this Part of an authority administering housing benefit or council tax benefit (“a local authority authorisation”) shall be entitled, for [<sup>3</sup>a relevant purpose] to exercise any of the powers which, subject to subsection (8) below, are conferred on an authorised officer by sections 109B and 109C above.

Authorisations by local authorities.

[<sup>3</sup>(1A) Each of the following is a relevant purpose—

- (a) a purpose mentioned in subsection (2) below;
- (b) a purpose mentioned in section 109A(2)(a), (c) or (d).

<sup>1</sup> S. 110ZA substituted (6.5.05) by the National Insurance and Statutory Payments Act 2004 (c. 3), s. 7.

<sup>2</sup> S. 110A substituted (2.4.01) for s. 110A & 110B by s. 67 of Child Support, Pensions & Social Security Act 2000 (c. 19).

<sup>3</sup> In s. 110A words substituted in (1) and (1A) to (1C) inserted (19.2.08 for reg. making purposes & 7.4.08 for all other purposes by the Welfare Reform Act 2007 (c. 5), s. 46.

**SOCIAL SECURITY ADMINISTRATION ACT 1992 (c. 5)**

**S. 110A**

(1B) if the Secretary of State prescribes conditions for the purposes of this section, an authority must not proceed under this section for a purpose mentioned in section 109A(2)(a), (c) or (d) unless any such condition is satisfied.

(1C) an authorisation made for a purpose mentioned in section 109A(2)(a), (c) or (d)–

- (a) is subject to each restrictions as may be prescribed;
- (b) is not valid in such circumstances as may be prescribed.]

(2) [1The purposes of this subsection] are–

- (a) ascertaining in relation to any case whether housing benefit or council tax benefit is or was payable in that case;
- (b) ascertaining whether provisions of the relevant social security legislation that relate to housing benefit or council tax benefit are being, have been or are likely to be contravened (whether by particular persons or more generally);
- (c) preventing, detecting and securing evidence of the commission (whether by particular persons or more generally) of benefit offences relating to housing benefit or council tax benefit.

(3) An individual has the authorisation for the purposes of this Part of an authority administering housing benefit or council tax benefit if, and only if, that authority have granted him an authorisation for those purposes and he is–

- (a) an individual employed by that authority;
- (b) an individual employed by another authority or joint committee that carries out functions relating to housing benefit or council tax benefit on behalf of that authority;
- (c) an individual employed by a person authorised by or on behalf of–
  - (i) the authority in question,
  - (ii) any such authority or joint committee as is mentioned in paragraph (b) above,

to carry out functions relating to housing benefit or council tax benefit for that authority or committee;

- (d) an official of a Government department.

(4) Subsection (4) of section 109A above shall apply in relation to a local authority authorisation as it applies in relation to an authorisation under that section.

(5) A local authority authorisation may be withdrawn at any time by the authority that granted it or by the Secretary of State.

(6) The certificate or other instrument containing the grant or withdrawal by any local authority of any local authority authorisation must be issued under the hand of either–

- (a) the officer designated under section 4 of the Local Government and Housing Act 1989 as the head of the authority's paid service; or
- (b) the officer who is the authority's chief finance officer (within the meaning of section 5 of that Act).

(7) It shall be the duty of any authority with power to grant local authority authorisations to comply with any directions of the Secretary of State as to–

- (a) whether or not such authorisations are to be granted by that authority;
- (b) the period for which authorisations granted by that authority are to have effect;

---

<sup>1</sup> In s. 110A words substituted in (2) inserted (19.2.08 for reg. making purposes & 7.4.08 for all other purposes by the Welfare Reform Act 2007 (c. 5), s. 46.

- (c) the number of persons who may be granted authorisations by that authority at any one time; and
- (d) the restrictions to be contained by virtue of subsection (4) above in the authorisations granted by that authority for those purposes.

(8) The powers conferred by sections 109B and 109C above shall have effect in the case of an individual who is an authorised officer by virtue of this section as if those sections had effect—

- (a) with the substitution for every reference to the purposes mentioned in section 109A(2) above of a reference to the purposes mentioned in subsection (2) above; and
- (b) with the substitution for every reference to the relevant social security legislation of a reference to so much of it as relates to housing benefit or council tax benefit [<sup>1</sup>; and
- (c) with the omission of section 109B(2D).]

[<sup>2</sup>but paragraphs (a) and (b) above do not apply in any case where the relevant purpose is as mentioned in subsection (1A)(b) above.]

(9) Nothing in this section conferring any power on an authorised officer in relation to housing benefit or council tax benefit shall require that power to be exercised only in relation to cases in which the authority administering the benefit is the authority by whom that officer's authorisation was granted.]

[<sup>3</sup>**110B.**—(1) Subject to subsection (2) below, where it appears to an authority administering housing benefit or council tax benefit—

Power of local authority to require electronic access to information.

- (a) that a person falling within section 109B(2A) keeps any electronic records,
- (b) that the records contain or are likely, from time to time, to contain information about any matter that is relevant for any one or more of the purposes mentioned in section 110A(2) above, and
- (c) that facilities exist under which electronic access to those records is being provided, or is capable of being provided, by that person to other persons,

that authority may require that person to enter into arrangements under which authorised officers are allowed such access to those records.

(2) An authorised officer—

- (a) shall be entitled to obtain information in accordance with arrangements entered into under subsection (1) above only if his authorisation states that his authorisation applies for the purposes of that subsection; and
- (b) shall not seek to obtain any information in accordance with any such arrangements other than information which—
  - (i) relates to a particular person; and
  - (ii) could be the subject of any such requirement under section 109B above as may be imposed in exercise of the powers conferred by section 110A(8) above.

(3) The matters that may be included in the arrangements that a person is required to enter into under subsection (1) above may include—

- (a) requirements as to the electronic access to records that is to be made available to authorised officers;
- (b) requirements as to the keeping of records of the use that is made of the arrangements;

<sup>1</sup> Words & s. 110A(8)(c) inserted (30.4.02) by the Social Security Fraud Act 2001 (c. 11), s. 1(5).

<sup>2</sup> Words inserted in s. 110A(8) (19.2.08 for reg. making purposes & 7.4.08 for all other purposes) by the Welfare Reform Act 2007 (c. 5), s. 46(5).

<sup>3</sup> S. 110B inserted (30.4.02) by the Social Security Fraud Act 2001 (c. 11), s. 2(2).

**SOCIAL SECURITY ADMINISTRATION ACT 1992 (c. 5)**

**Ss. 110B-111**

- (c) requirements restricting the disclosure of information about the use that is made of the arrangements; and
- (d) such other incidental requirements as the authority in question considers appropriate in connection with allowing access to records to authorised officers.

(4) An authorised officer who is allowed access in accordance with any arrangements entered into under subsection (1) above shall be entitled to make copies of, and to take extracts from, any records containing information which he is entitled to make the subject of a requirement such as is mentioned in subsection (2)(b) above.

(5) An authority administering housing benefit or council tax benefit shall not—

- (a) require any person to enter into arrangements for allowing authorised officers to have electronic access to any records; or
- (b) otherwise than in pursuance of a requirement under this section, enter into any arrangements with a person specified in section 109B(2A) above for allowing anyone acting on behalf of the authority for purposes connected with any benefit to have electronic access to any private information contained in any records,

except with the consent of the Secretary of State and subject to any conditions imposed by the Secretary of State by the provisions of the consent.

(6) A consent for the purposes of subsection (5) may be given in relation to a particular case, or in relation to any case that falls within a particular description of cases.

(7) In this section “private information”, in relation to an authority administering housing benefit or council tax benefit, means any information held by a person who is not entitled to disclose it to that authority except in compliance with a requirement imposed by the authority in exercise of their statutory powers.]

Delays, obstruction etc.  
of inspector.

**111.—**(1) If a person—

- (a) intentionally delays or obstructs an [<sup>1</sup>authorised officer] in the exercise of any power under this Act [<sup>2</sup>other than an Inland Revenue power]; or
- [<sup>3</sup>(ab) refuses or neglects to comply with any requirement under section 109BA or 110AA or with the requirements of any arrangements entered into in accordance with subsection (1) of that section, or]
- (b) refuses or neglects to answer any question or to furnish any information or to produce any document when required to do so under this Act [<sup>1</sup>otherwise than in the exercise of an Inland Revenue power],

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) Where a person is convicted of an offence under [<sup>4</sup>subsection (1)(ab) or (b)] above and the refusal or neglect is continued by him after his conviction, he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding £40 for each day on which it is continued.

<sup>1</sup> Words in s. 111(1)(a) substituted (30.4.02) by the Social Security Fraud Act 2002 (c. 11), s. 1(6).

<sup>2</sup> Words in s. 111(1)(a) inserted (1.4.99) by Social Security Contributions (Transfer of Functions Act etc.) 1999 (c. 2), Sch. 5, para. 4(2).

<sup>3</sup> Sub-para. (1)(ab) inserted in s. 111 (30.4.02) by the Social Security Fraud Act 2001 (c. 11), s. 2(3).

<sup>4</sup> Words in s. 111(2) substituted (30.4.02) by the Social Security Fraud Act 2001 (c. 11), s. 2(3).

[<sup>1</sup>(3) In subsection (1) “Inland Revenue power” means any power conferred on an officer of the Inland Revenue by [<sup>2</sup>virtue of] section 110ZA above or by virtue of [<sup>3</sup>an authorisation granted under section 109A or 110A].

(4) [...<sup>2</sup>]

[<sup>4</sup>111A.—(1) If a person dishonestly—

- (a) makes a false statement or representation; [<sup>5</sup>or]
- (b) produces or furnished, or causes or allows to be produced or furnished, any document or information which is false in a material particular;

Dishonest representations for obtaining benefit etc.

[...<sup>5</sup>]

with a view to obtaining any benefit or other payment or advantage under the relevant social security legislation (whether for himself or for some other person), he shall be guilty of an offence.

[<sup>6</sup>(1A) A person shall be guilty of an offence if—

- (a) there has been a change of circumstances affecting any entitlement of his to any benefit or other payment or advantage under any provision of the relevant social security legislation;
- (b) the change is not a change that is excluded by regulations from the changes that are required to be notified;
- (c) he knows that the change affects an entitlement of his to such a benefit or other payment or advantage; and
- (d) he dishonestly fails to give a prompt notification of that change in the prescribed manner to the prescribed person.

(1B) A person shall be guilty of an offence if—

- (a) there has been a change of circumstances affecting any entitlement of another person to any benefit or other payment or advantage under any provision of the relevant social security legislation;
- (b) the change is not a change that is excluded by regulations from the changes that are required to be notified;
- (c) he knows that the change affects an entitlement of that other person to such a benefit or other payment or advantage; and
- (d) he dishonestly causes or allows that other person to fail to give a prompt notification of that change in the prescribed manner to the prescribed person.

(1C) This subsection applies where—

- (a) there has been a change of circumstances affecting any entitlement of a person (‘the claimant’) to any benefit or other payment or advantage under any provision of the relevant social security legislation;
- (b) the benefit, payment or advantage is one in respect of which there is another person (‘the recipient’) who for the time being has a right to receive payments to which the claimant has, or (but for the arrangements under which they are payable to the recipient) would have, an entitlement; and

<sup>1</sup> Subsections (3) inserted in s. 111 (1.4.99) by Social Security Contributions (Transfer of Functions Act etc.) 1999 (c. 2), Sch. 5, para. 4(3).

<sup>2</sup> Words inserted in s. 111(3) & s. 111(4) repealed (6.4.05) by the National Insurance Contributions and Statutory Payments Act 2004 (c. 3), Sch. 1 para. 3(2).

<sup>3</sup> Words in s. 111(3) substituted in s. 111A(1) & 112(1) inserted (2.4.01) by Child Support, Pensions and Social Security Act 2000 (c. 19), Sch. 6, paras. 4-6.

<sup>4</sup> S. 111A inserted (1.7.97) by s. 13 of Social Security Administration (Fraud) Act 1997 (c. 47).

<sup>5</sup> Words in s. 111A(1)(a) inserted, paras. (c) & (d) omitted (26.9.01 for reg. making purposes, 18.10.01 for all other purposes) by Social Security Fraud Act 2001 (c. 11), s. 16.

<sup>6</sup> In S. 111A subsections (1A)-(1G) inserted (26.9.01 for reg. making purposes, 18.10.01 for all other purposes) by Social Security Fraud Act 2001 (c. 11), s. 16.

**SOCIAL SECURITY ADMINISTRATION ACT 1992 (c. 5)**

**S. 111A**

- (c) the change is not a change that is excluded by regulations from the changes that are required to be notified.

(1D) In a case where subsection (1C) above applies, the recipient is guilty of an offence if—

- (a) he knows that the change affects an entitlement of the claimant to a benefit or other payment or advantage under a provision of the relevant social security legislation;
- (b) the entitlement is one in respect of which he has a right to receive payments to which the claimant has, or (but for the arrangements under which they are payable to the recipient) would have, an entitlement; and
- (c) he dishonestly fails to give a prompt notification of that change in the prescribed manner to the prescribed person.

(1E) In a case where that subsection applies, a person other than the recipient is guilty of an offence if—

- (a) he knows that the change affects an entitlement of the claimant to a benefit or other payment or advantage under a provision of the relevant social security legislation;
- (b) the entitlement is one in respect of which the recipient has a right to receive payments to which the claimant has, or (but for the arrangements under which they are payable to the recipient) would have, an entitlement; and
- (c) he dishonestly causes or allows the recipient to fail to give a prompt notification of that change in the prescribed manner to the prescribed person.

(1F) In any case where subsection (1C) above applies but the right of the recipient is confined to a right, by reason of his being a person to whom the claimant is required to make payments in respect of a dwelling, to receive payments of housing benefit—

- (a) a person shall not be guilty of an offence under subsection (1D) or (1E) above unless the change is one relating to one or both of the following—
  - (i) the claimant's occupation of that dwelling;
  - (ii) the claimant's liability to make payments in respect of that dwelling;but
- (b) subsections (1D)(a) and (1E)(a) above shall each have effect as if after "knows" there were inserted "or could reasonably be expected to know".

(1G) For the purposes of subsections (1A) to (1E) above a notification of a change is prompt if, and only if, it is given as soon as reasonably practicable after the change occurs.]

[...<sup>1</sup>]

(3) A person guilty of an offence under this section shall be liable—

- (a) on summary conviction, to imprisonment for a term not exceeding six months, or to a fine not exceeding the statutory maximum, or to both; or
- (b) on conviction on indictment, to imprisonment for a term not exceeding seven years, or to a fine, or to both.

(4) In the application of this section to Scotland in [<sup>2</sup>subsections (1) to (1E) for "dishonestly" substitute "knowingly"]

---

<sup>1</sup> S. 111A(2) repealed (2.4.01) by Child Support, Pensions & Social Security Act 2000 (c. 19), s. 85.

<sup>2</sup> Words substituted in s. 111A(4) (26.9.01 for reg. making purposes, 18.10.01 for all other purposes) by S.S. Fraud Act 2001(c. 11), s. 16(1)(c).

**112.**—(1) If a person for the purpose of obtaining any benefit or other payment under the [<sup>1</sup>relevant] [<sup>2</sup>social security legislation] whether for himself or some other person, or for any other purpose connected with that legislation—

False representations for obtaining benefit etc.

- (a) makes a statement or representation which he knows to be false; or
- (b) produces or furnishes, or knowingly causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in a material particular,

he shall be guilty of an offence.

[<sup>3</sup>(1A) A person shall be guilty of an offence if—

- (a) there has been a change of circumstances affecting any entitlement of his to any benefit or other payment or advantage under any provision of the relevant social security legislation;
- (b) the change is not a change that is excluded by regulations from the changes that are required to be notified;
- (c) he knows that the change affects an entitlement of his to such a benefit or other payment or advantage; and
- (d) he fails to give a prompt notification of that change in the prescribed manner to the prescribed person.

(1B) A person is guilty of an offence under this section if—

- (a) there has been a change of circumstances affecting any entitlement of another person to any benefit or other payment or advantage under any provision of the relevant social security legislation;
- (b) the change is not a change that is excluded by regulations from the changes that are required to be notified;
- (c) he knows that the change affects an entitlement of that other person to such a benefit or other payment or advantage; and
- (d) he causes or allows that other person to fail to give a prompt notification of that change in the prescribed manner to the prescribed person.

(1C) In a case where subsection (1C) of section 111A above applies, the recipient is guilty of an offence if—

- (a) he knows that the change affects an entitlement of the claimant to a benefit or other payment or advantage under a provision of the relevant social security legislation;
- (b) the entitlement is one in respect of which he has a right to receive payments to which the claimant has, or (but for the arrangements under which they are payable to the recipient) would have, an entitlement; and
- (c) he fails to give a prompt notification of that change in the prescribed manner to the prescribed person.

(1D) In a case where that subsection applies, a person other than the recipient is guilty of an offence if—

- (a) he knows that the change affects an entitlement of the claimant to a benefit or other payment or advantage under a provision of the relevant social security legislation;
- (b) the entitlement is one in respect of which the recipient has a right to receive payments to which the claimant has, or (but for the arrangements under which they are payable to the recipient) would have, an entitlement; and

<sup>1</sup> Words in s. 112(1) inserted (2.4.01) by Child Support, Pensions and Social Security Act 2000 (c. 19), Sch. 6, paras. 4-6.

<sup>2</sup> Words in S. 112(2) amended (1.7.97) by Sch. 1, para. 4(3) to Social Security Administration (Fraud) Act 1997(c. 47).

<sup>3</sup> Subsections (1A) substituted (26.9.01 for reg. making purposes, 18.10.01 for all other purposes) by S.S. Fraud Act 2001 (c. 11), s. 16(3)

**SOCIAL SECURITY ADMINISTRATION ACT 1992 (c. 5)**

**Ss. 112-113**

- (c) he causes or allows the recipient to fail to give a prompt notification of that change in the prescribed manner to the prescribed person.

(1E) Subsection (1F) of section 111A above applies in relation to subsections (1C) and (1D) above as it applies in relation to subsections (1D) and (1E) of that section.

(1F) For the purposes of subsections (1A) to (1D) above a notification of a change is prompt if, and only if, it is given as soon as reasonably practicable after the change occurs.]

(2) A person guilty of an offence under<sup>[1]</sup>this section] shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale, or to imprisonment for a term not exceeding 3 months, or to both.

[...<sup>2]</sup>

Breach of regulations.

**[3113.—**(1) Regulations and schemes under any of the <sup>[4]</sup>legislation to which this section applies] may provide that any person who contravenes, or fails to comply with, any provision contained in regulations made under <sup>[4]</sup>that legislation]–

- (a) in the case of a provision relating to contributions, shall be liable to a penalty;
- (b) in any other case, shall be guilty of an offence under <sup>[4]</sup>any enactment contained in the legislation in question].

<sup>[5]</sup>(1A) The legislation to which this section applies is–

- (a) the relevant social security legislation; and
- (b) the enactments specified in section 121DA(1) so far as relating to contributions, [...<sup>6]</sup>.]

(2) Any regulations or scheme making such provision as is mentioned in subsection (1)(a) above shall–

- (a) prescribe the amount or rate of penalty, or provide for how it is to be ascertained;
- (b) provide for the penalty to be imposed by the <sup>[7]</sup>Inland Revenue]–
  - (i) within six years after the date on which the penalty is incurred; or
  - (ii) where the amount of the penalty is to be ascertained by reference to the amount of any contributions payable, at any later time within three years after the final determination of the amount of those contributions;
- (c) provide for determining the date on which, for the purposes of paragraph (b) above, the penalty is incurred;
- (d) prescribe the means by which the penalty is to be enforced; and
- (e) provide for enabling the <sup>[7]</sup>Inland Revenue], in <sup>[7]</sup>their] discretion, to mitigate or to remit any such penalty, or to stay or to compound any proceedings for a penalty.

(3) A person guilty of such an offence as is mentioned in subsection (1)(b) above shall be liable on summary conviction–

---

<sup>1</sup> Words in s. 112(2) amended (1.7.97) by Sch. 1, para. 4(3) of Social Security Administration (Fraud) Act 1997 (c. 47).

<sup>2</sup> S. 112(3) repealed (2.4.01) by Child Support, Pensions & Social Security Act 2000 (c. 19), s. 85.

<sup>3</sup> S. 113 substituted (4.3.99) by S.S. Act 1998 (c. 10), s. 60.

<sup>4</sup> Words in s. 113(1) substituted (1.11.00) by the Child Support, Pensions & Social Security Act 2000 (c. 19), Sch. 6, para. 7.

<sup>5</sup> Subsection (1A) inserted (1.11.00) by the Child Support, Pensions & Social Security Act 2000 (c. 19), Sch. 6, para. 7.

<sup>6</sup> Words repealed in s. 113(1A)(b) (6.4.05) by the National Insurance Contributions and Statutory Payments Act 2004, Sch. 2.

<sup>7</sup> Words substituted in s. 113 (6.4.99) by Social Security Contributions (Transfer of Functions Act etc.) 1999 (c. 2), Sch. 5, para. 5.

- (a) to a fine not exceeding level 3 on the standard scale;
- (b) in the case of an offence of continuing a contravention or failure after conviction, to a fine not exceeding £40 for each day on which it is so continued.

(4) Any provision contained in regulations which authorises statutory sick pay or statutory maternity pay to be set off against secondary Class 1 contributions is not a provision relating to contributions for the purposes of this section.]

*Ss. 114, 115—see volume 1.*

*Legal proceedings*

**\*116.**—(1) Any person authorised by the Secretary of State in that behalf may conduct any proceedings [<sup>1</sup>under any provision of this Act other than section 114 or under provision of] [<sup>2</sup>Jobseekers Act 1995] before a magistrates’ court although not a barrister or solicitor. Legal proceedings.

(2) Notwithstanding anything in any Act—

- (a) proceedings for an offence under this Act other than an offence relating to housing benefit or [<sup>3</sup>council tax benefit] [<sup>4</sup>, or for an offence under the Jobseekers Act 1995,] may be begun at any time within the period of 3 months from the date on which evidence, sufficient in the opinion of the Secretary of State to justify a prosecution for the offence, comes to his knowledge or within a period of 12 months from the commission of the offence, whichever period last expires; and
- (b) proceedings for an offence under this Act relating to housing benefit or [<sup>5</sup>council tax benefit] may be begun at any time within the period of 3 months from the date on which evidence, sufficient in the opinion of the appropriate authority to justify a prosecution for the offence, comes to the authority’s knowledge or within a period of 12 months from the commission of the offence, whichever period last expires.

[<sup>6</sup>(2A) Subsection (2) above shall not be taken to impose any restriction on the time when proceedings may be begun for an offence under section 111A above.]

(3) For the purposes of subsection (2) above—

- (a) a certificate purporting to be signed by or on behalf of the Secretary of State as to the date on which such evidence as is mentioned in paragraph (a) of that subsection came to his knowledge shall be conclusive evidence of that date; and
- (b) a certificate of the appropriate authority as to the date on which such evidence as is mentioned in paragraph (b) of that subsection came to the authority’s knowledge shall be conclusive evidence of that date.

(4) In subsections (2) and (3) above “the appropriate authority” means in relation to an offence which relates to housing benefit and concerns any dwelling—

---

<sup>1</sup> Words substituted in s. 116 (1) & words inserted in s. 116(5A) (1.4.99) by Social Security Contributions (Transfer of Functions Act etc.) 1999 (c. 2), Sch.1 para 21(2) & (3) respectively.  
<sup>2</sup> Words inserted (11.6.96) in s. 116(1) by para. 56(2) of Sch. 2 to Jobseekers Act 1995 (c. 18).  
<sup>3</sup> Words in s. 116(2) substituted (6.3.92) by L.G.F. Act 1992 (c. 14), Sch. 9, para. 17(2) , for purposes of council tax benefit from 1.4.93.  
<sup>4</sup> Words inserted (11.6.96) in s. 116(a) by para. 56(3) of Sch. 2 to Jobseekers Act 1995 (c. 18).  
<sup>5</sup> Words inserted (11.6.96) in s. 11(2)(b) para. 56(3) of Sch. 2 to Jobseekers Act 1995 (c. 18).  
<sup>6</sup> Subsection 2(2A) inserted & (4) amended (1.4.97) by Sch. 13, para. 3(3) to Housing Act 1996 (c. 52).

**SOCIAL SECURITY ADMINISTRATION ACT 1992 (c. 5)**

**S. 116-116A**

- (a) [...<sup>1</sup>]
- (b) if it relates to a rent rebate, the authority who are the appropriate housing authority by virtue of [<sup>1</sup>subsection 134 below]; and
- (c) if it relates to rent allowance, the authority who are the appropriate local authority by virtue of [<sup>1</sup>that section]

(5) In subsections (2) and (3) above “the appropriate authority” means, in relation to an offence relating to [<sup>2</sup>council tax benefit], such authority as is prescribed in relation to the offence.

[<sup>1</sup>(5A) [<sup>3</sup>In relation to proceedings for an offence under section 114 above], the references in subsections (2)(a) and (3)(a) to the Secretary of State shall have effect as references to the Inland Revenue]

- (6) [...<sup>4</sup>]

(7) In the application of this section to Scotland, the following provisions shall have effect in substitution for subsections (1) [<sup>5</sup> to (5A)] above—

- (a) proceedings for an offence under this Act [<sup>6</sup>or the Jobseekers Act 1995] may, notwithstanding anything in [<sup>7</sup>section 136 of the Criminal Procedure (Scotland) Act 1995], be commenced at any time within the period of 3 months from the date on which evidence, sufficient in the opinion of the Lord Advocate to justify proceedings, comes to his knowledge, or within the period of 12 months from the commission of the offence, whichever period last expires;
- [<sup>8</sup>(aa) this subsection shall not be taken to impose any restriction on the time when proceedings may be commenced for an offence under section 111A above;]
- (b) for the purposes of this subsection—
  - (i) a certificate purporting to be signed by or on behalf of the Lord Advocate as to the date on which such evidence as is mentioned above came to his knowledge shall be conclusive evidence of that date; and
  - (ii) subsection (3) of [<sup>9</sup>section 136 of the said Act of 1995] (date of commencement of proceedings) shall have effect as it has effect for the purposes of that section.

*\*References to this Act in s. 116 extended by s. 167(2) of Pension Schemes Act 1993 (c. 48) to the provisions referred to in s. 164(1)(b) ibid.*

Local authority powers to prosecute benefit fraud

[<sup>10</sup>**116A.**—(1) This section applies if an authority administering housing benefit or council tax benefit has power to bring proceedings for a benefit offence relating to that benefit.

<sup>1</sup> Subsection 2(2A) inserted & (4) amended (1.4.97) by Sch. 13, para. 3(3) to Housing Act 1996 (c. 52).

<sup>2</sup> Words in S. 116(5) substituted 6.3.92 by L.F.G Act 1992 (c. 14) Sch. 9, para. 17(2) for purposes of council tax benefit.

<sup>3</sup> Words in s. 116(5A) substituted (11.11.99) by the Welfare Reform & Pensions Act 1999 (c. 30), Sch. 11, paras. 5.

<sup>4</sup> S. 116(6) repealed (29.11.99) by S.S. Act 1998 (c. 14), Sch. 7, para. 83.

<sup>5</sup> Words substituted in s. (7) (1.4.99) by Social Security Contributions (Transfer of Functions Act etc.) 1999 (c. 2), Sch 1, para. 21(4).

<sup>6</sup> Words inserted (11.6.99) in s. 116(7)(a) by para. 56(4) of Sch. 2 of Jobseekers Act 1995 (c. 18).

<sup>7</sup> Words in s. 116(7) substituted (1.4.96) by Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c. 40), Sch. 4, para. 82.

<sup>8</sup> Sub-para. (aa) inserted in s. 116(7) (30.4.02) by the Social Security Fraud Act 2001 (c. 11), s. 17.

<sup>9</sup> Words in s. 116(7) substituted (1.4.96) by Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c. 40), Sch. 4, para. 82.

<sup>10</sup> S. 116A inserted (19.2.08 for reg. making purposes & 7.4.08 for all other purposes) by the Welfare Reform Act 2007 (c. 5), s. 47.

(2) The authority may bring proceedings for a benefit offence relating to any other relevant social security benefit unless—

- (a) the proceedings relate to any benefit or circumstances or any description of benefit or circumstances which the Secretary of State prescribes for the purposes of this paragraph, or
- (b) the Secretary of State has directed that the authority must not bring the proceedings,

and a direction under paragraph (b) may relate to a particular authority or description of authority or to particular proceedings or any description of proceedings.

(3) If the Secretary of State prescribes conditions for the purposes of this section, an authority must not bring proceedings under this section unless any such condition is satisfied.

(4) The Secretary of State may continue proceedings which have been brought by an authority under this section as if the proceedings had been brought in his name or he may discontinue the proceedings if—

- (a) he makes provision under subsection (2)(a), such that the authority would no longer be entitled to bring the proceedings under this section,
- (b) he gives a direction under subsection (2)(b) in relation to the proceedings, or
- (c) a condition prescribed under subsection (3) ceases to be satisfied in relation to the proceedings.

(5) In the exercise of its power under subsection (2), a local authority must have regard to the Code for Crown Prosecutors issued by the Director of Public Prosecutions under section 10 of the Prosecution of Offences Act 1985—

- (a) in determining whether the proceedings should be instituted;
- (b) in determining what charges should be preferred;
- (c) in considering what representations to make to a magistrates' court about mode of trial;
- (d) in determining whether to discontinue proceedings.

(6) An authority must not bring proceedings for a benefit offence which does not relate to housing benefit or council tax benefit otherwise than in accordance with this section.

(7) In subsection (2), “relevant social security benefit” has the same meaning as in section 121DA below.

(8) This section does not apply to Scotland.]

*Ss. 117–121—see volume 1.*

## PART VII PROVISION OF INFORMATION

*Section 122–126—see volume 1.*

[...<sup>1</sup>]

---

<sup>1</sup> Ss. 127-128A repealed (1.7.97) by Sch. 2 to Social Security Administration (Fraud) Act 1997 (c. 47).

PART VIII  
ARRANGEMENTS FOR HOUSING BENEFIT AND COMMUNITY  
CHARGE BENEFITS AND RELATED SUBSIDIES†

† *Unreliable heading.*

*Housing benefit*

Arrangements for housing benefit.

**134.**—<sup>[1]</sup>(1) Housing benefit provided by virtue of a scheme under section 123 of the Social Security Contributions and Benefits Act 1992 (in this Part referred to as “the housing benefit scheme”) shall be funded and administered by the appropriate housing authority or local authority.

(1A) Housing benefit in respect of payments which the occupier of a dwelling is liable to make to a housing authority shall take the form of a rent rebate or, in prescribed cases, a rent allowance funded and administered by that authority.

The cases that may be so prescribed do not include any where the payment is in respect of property within the authority’s Housing Revenue Account.

(1B) In any other case housing benefit shall take the form of a rent allowance funded and administered by the local authority for the area in which the dwelling is situated or by such other local authority as is specified by an order made by the Secretary of State.]

(2) The rebates and allowances referred to in subsection (1) above may take any of the following forms, that is to say—

- (a) a payment of payments by the authority to the person entitled to the benefit;
- (b) a reduction in the amount of any payments which that person is liable to make to the authority by way of rent [...<sup>2</sup>]; or
- (c) such payment or payments and such a reduction;

and in any enactment or instrument (whenever passed or made) “pay”, in relation to housing benefit, includes discharge in any of those forms.

(3) [...<sup>3</sup>]

(4) [...<sup>3</sup>]

[<sup>3</sup>(5) Authorities may—

- (a) agree that one shall discharge functions relating to housing benefit on another’s behalf; or
- (b) discharge any such functions jointly or arrange for their discharge by a joint committee.

(5A) Nothing in this section shall be read as excluding the general provisions of the Local Government Act 1972 or the Local Government (Scotland) Act 1973 from applying in relation to the housing benefit functions of a local authority.]

(6) [...<sup>3</sup>]

(7) [...<sup>3</sup>]

---

<sup>4</sup> Subsections (1) of s. 134 substituted by (1), (1A) & (1B) (1.4.97) by the Housing Act 1996 (c. 52), Sch. 12, para. 1(2).

<sup>2</sup> Words in s. 116(7) substituted (1.4.96) by Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c. 40), Sch. 4, para. 82.

<sup>3</sup> Words omitted in s. 134(2), subsections (3), (4), (6) & (7) omitted & subsection (5) substituted by (5) & (5A) (1.4.97) by the Housing Act 1996 (c. 52), Sch. 12, para. 1(3)-(5).

(8) An authority may modify any part of the housing benefit scheme administered by the authority—

- (a) so as to provide for disregarding, in determining a person's income (whether he is the occupier of a dwelling or any other person whose income falls to be aggregated with that of the occupier of a dwelling)' the whole or part of any [<sup>1</sup>prescribed] war disablement pension or [<sup>1</sup>prescribed] war widow's [...<sup>1</sup>] pension payable to that person;
- (b) to such extent in other respect as may be prescribed,

and any such modification may be adopted by resolution of an authority.

(9) Modifications other than such modifications as are mentioned in subsection (8)(a) above shall be so framed as to secure that, in the estimate of the authority adopting them, the total of [<sup>2</sup>the housing benefit which will be paid by the authority in any year will not exceed the permitted total or any subsidiary limit specified by order of the Secretary of State.]

(10) An authority who have adopted modifications may be resolution revoke or vary them.

(11) If the housing benefit scheme includes power for an authority to exercise a discretion in awarding housing benefit, the authority shall not exercise that discretion so that the total of the [<sup>2</sup>the housing benefit paid by them during the year exceeds the permitted total or any subsidiary limit specified by order of the Secretary of State.]

*The permitted total is prescribed in the relevant Order located under "PERMITTED TOTALS" later in this volume.*

[<sup>3</sup>(12) The Secretary of State—

- (a) shall by order specify the permitted total of housing benefit payable by any authority in any year; and
- (b) may by order specify one or more subsidiary limits on the amount of housing benefit payable by any authority in any year in respect of any matter or matters specified in the order.

The power to specify the permitted total or a subsidiary limit may be exercised by fixing an amount or by providing rules for its calculation.]

(13) In this section "modifications" includes additions, omissions and amendments, and related expressions shall be construed accordingly.

[<sup>4</sup>(14) In this section "war widow's pension" includes any corresponding pension payable to a widower or surviving civil partner]

*Ss. 135-137 below remain reproduced for savings provisions*

- [<sup>5</sup>**135.**—(1) For each year the Secretary of State shall pay—
- (a) a subsidy to be known as "rate rebate subsidy" to each rating authority;
  - (b) a subsidy to be known as "rent rebate subsidy" to each housing authority; and

Housing Benefit finance.

<sup>1</sup> Words inserted & omitted in s. 134(8)(a) (3.7.07) by the Welfare Reform Act 2007 (c. 5), Sch. 5, para. 3.

<sup>2</sup> Words in s. 134(9) & (11) substituted (1.4.97) by the Housing Act 1996 (c. 52), Sch. 12, paras. 6-7.

<sup>3</sup> Words in s. 134(12) substituted (1.4.97) by the Housing Act 1996 (c. 52), Sch. 12, para. 8.

<sup>4</sup> S. 134(14) inserted (3.7.07) by the Welfare Reform Act 2007 (c. 5), Sch. 5, para. 3.

<sup>5</sup> Ss. 135-137 repealed (24.9.96) by Sch. 19, Part VI to Housing Act 1996 (c. 52).

S. 135

- (c) a subsidy to be known as "rent allowance subsidy" to each local authority.
- (2) The subsidy under subsection (1) above which is to be paid to an authority—
  - (a) shall be calculated, in the manner specified by an order made by the Secretary of State, by reference—
    - (i) in the case of an authority in England and Wales, to the relevant benefit; and
    - (ii) in the case of an authority in Scotland, to the total housing benefit, and by reference also, in the case of an authority in England and Wales or Scotland, to any rebate or allowance within the meaning of the Social Security and Housing Benefits Act 1982 granted by that authority during the year with any additions specified in the order but subject to any deductions so specified; and
  - (b) shall be subject to deduction of any amount which the Secretary of State considers it unreasonable to meet out of money provided by way of subsidy under subsection (1) above.
- (3) In subsection (2) above "relevant benefit", in relation to an authority, means total housing benefit excluding any Housing Revenue Account rebates granted by them.
- (4) Nothing in this section shall be taken to imply that any such addition or deduction as is mentioned in subsection (2)(a) or (b) above may not be determined by reference to—
  - (a) an authority's expenditure in respect of any housing benefit, or in respect of any rebate or allowance within the meaning of the Social Security and Housing Benefits Act 1982, granted during any previous year; or
  - (b) any subsidy under this section or that Act paid to an authority in respect of any previous year.
- (5) For each year the Secretary of State may pay to an authority as part of the subsidy under subsection (1) above an additional sum calculated, in the manner specified by an order made by the Secretary of State, in respect of the costs of administering housing benefit.
- (6) Rent rebate subsidy shall be payable—
  - (a) in the case of a local authority in England and Wales, subject to subsection (7) below, for the credit of a revenue account of theirs which is not a Housing Revenue Account or a Housing Repairs Account;
  - (b) in the case of a local authority in Scotland, for the credit of their rent rebate account;
  - (c) in the case of a new town corporation in England and Wales or the Development Board for Rural Wales, for the credit of their housing account; and
  - (d) in the case of a new town corporation in Scotland or Scottish Homes, for the credit of the account to which rent rebates granted by them, or it, are debited.
- (7) Rent rebate subsidy for a year beginning before 1st April 1990 shall be payable in the case of a local authority in England and Wales—
  - (a) for the credit of their Housing Revenue Account to the extent that it is calculated by reference to Housing Revenue Account rebates and any costs administering such rebates; and
  - (b) for the credit of their general rate fund to the extent that it is not so calculated.
- (8) Every local housing authority in England and Wales shall for each year carry to the credit of their Housing Revenue Account from some other revenue account of theirs which is not a Housing Repairs Account an amount equal to the aggregate of—
  - (a) so much of each Housing Revenue Account rebate granted by them during the year as was granted in the exercise of a discretion conferred by the housing benefit scheme or in pursuance of such modifications of

that scheme as are mentioned in paragraph (b) of section 134(8) above; and

- (b) unless the authority otherwise determine, so much of each such rebate as was granted in pursuance of such modifications of that scheme as are mentioned in paragraph (a) of that subsection.

(9) Every local authority in Scotland shall made for each year a rate fund contribution to their Housing Revenue Account of an amount equal to the difference between—

- (a) so much of their rent rebate subsidy for the year as is credited to that Account; and
- (b) the total of—
  - (i) the Housing Revenue Account rebates granted by them during the year; and
  - (ii) the cost of administering such rebates.

(10) Rent allowance subsidy shall be payable—

- (a) in the case of a local authority in England and Wales and subsidy payable for a year beginning before 1st April 1990, for the credit of their general rate fund; and
- (b) in the case of a local authority in Scotland, for the credit of their rent allowance account.

(11) Subsidy under this section shall be payable by the Secretary of State at such time and in such manner as the Treasury may direct.

(12) The amount of any subsidy payable to an authority shall be calculated to the nearest pound, by disregarding an odd amount of 50 pence or less and by treating an odd amount exceeding 50 pence as a whole pound.

(13) In subsection (7) above “general rate fund” means—

- (a) in relation to the Council of the Isles of Scilly, their general fund; and
- (b) in relation to the Common Council of the City of London, their general rate.

(14) In this section “modifications” includes additions, omissions and amendments in related expressions shall be construed accordingly.

**136.—**(1) In relation to rent allowance subsidy, the Secretary of State—

- (a) may provide for any calculation under paragraph (a) of section 135(2) above to be made,
- (b) may specify any such additions and deductions as are referred to in that paragraph; and
- (c) may exercise his discretion as to what is unreasonable for the purposes of paragraph (b) of that subsection, by reference to determinations made by rent officers in exercise of functions conferred on them under section 121 of the Housing Act 1988 or section 70 of the Housing (Scotland) Act 1988 (“the Housing Act functions”).

Rent allowance subsidy and determinations of rent officers.

1988 c. 50.  
1988 c. 43.

(2) The Secretary of State may by regulations require a local authority in any prescribed case to apply to a rent officer for a determination to be made in pursuance of the Housing Act functions and any such authority shall comply with prescribed requirements as to the time for making such an application.

(3) Where a local authority would have been required to apply to a rent officer for a determination under the Housing Act functions in a pre-commencement case, had the first regulations under section 30(2B) of the 1986 Act (which corresponded to subsection (2) above) come into force on 1st April 1989, regulations may make provision—

- (a) requiring the authority in prescribed circumstances to apply within a prescribed period to the rent officer for that determination to be made; and
- (b) requiring the rent officer in prescribed circumstances to make that determination on prescribed assumptions.

(4) In subsection (3) above “pre-commencement case” means any case which arose before the date on which the first regulations under section 30(2B) of the 1986 Act in fact came into force.

**SOCIAL SECURITY ADMINISTRATION ACT 1992 (c. 5)**

**Ss. 137-138**

Claims etc.

**137.**—(1) Subsidy under section 135 above shall not be payable to an authority until either—

- (a) they have made a claim for it in such form as the Secretary of State may determine; or
- (b) if they have not made such a claim, the amount of subsidy payable to them (apart from subsection (6) below) has been estimated under subsection (3) below.

(2) The Secretary of State may withhold from an authority so much of any subsidy under section 135 above as he thinks fit until either—

- (a) the authority has supplied him with prescribed particulars relating to their claim for subsidy and complied with prescribed conditions as to records, certificates, audit or otherwise; or
- (b) he is satisfied that there is a good reason for the authority's failure to supply those particulars or comply with those conditions.

(3) If an authority has not—

- (a) made a claim for subsidy;
- (b) supplied the prescribed particulars referred to in paragraph (a) of subsection (2) above; or
- (c) complied with the prescribed conditions referred to in that paragraph,

within the prescribed period, then the Secretary of State may estimate the amount of subsidy payable to them (apart from subsection (6) below) and employ for that purpose such criteria as he considers relevant.

(4) If the Secretary of State considers it reasonable to do so in any particular case, he may give the authority in question written notice extending any of the periods prescribed under subsection (3) above for the purposes of paragraph (a), (b) or (c) of that subsection, as the case may be.

(5) If an authority fails to make a claim for subsidy within such period as the Secretary of State considers reasonable, he may withhold from them such part of the subsidy as he thinks fit for so long as he thinks fit.

(6) Where the amount of subsidy paid to an authority for any year is found to be incorrect, the amount payable to them for any subsequent year may be adjusted for the purpose of rectifying that mistake in whole or in part.

*Community charge benefits†*

† *Unreliable heading.*

Nature of benefits.

**138.**—<sup>[1]</sup>(1) Regulations shall provide that where a person is entitled to council tax benefit in respect of council tax payable to a billing authority or <sup>[2]</sup>local authority in Scotland] the benefit shall take such of the following forms as is prescribed in the case of the person—

- (a) a payment or payments by the authority to the person;
- (b) a reduction in the amount the person is or becomes liable to pay to the authority in respect of the tax for the relevant or any subsequent financial year;
- (c) both such payment or payments and such reduction.]

<sup>[3]</sup>References in any enactment or instrument (whenever passed or made) to payment in relation to council tax benefit, include any of those ways of giving the benefit.]

(2) [...<sup>4</sup>]

<sup>1</sup> Subsection (1) substituted (6.3.92) for subsections (1) and (2) of s. 138 by L.G.F. Act 1992 (c. 14), Sch. 9, para. 19(1), for purposes of council tax and council tax benefit from 1.4.93.

<sup>2</sup> Words substituted (1.4.96) in s. 138(1) by para. 175(3) of Sch. 13 to Local Government etc. (Scotland) Act 1994 (c. 39).

<sup>3</sup> Subsection added (1.4.97) by the Housing Act 1996 (c. 52), Sch. 12, para. 2.

<sup>4</sup> Subsection (2) superseded (6.3.92) by new subsection (1) under L.G.F. Act 1992 (c. 14), Sch. 9, para. 19(1), for purposes of council tax and council tax benefit from 1.4.93.

(3)–(4) [...<sup>1</sup>]

(5) For the purposes of [<sup>2</sup>subsection (1)] above the relevant [<sup>2</sup>financial year] is the [<sup>2</sup>financial year] in which the relevant day falls; and the relevant day is the day in respect of which the person concerned is entitled to the benefit.

(6)–(8) [...<sup>3</sup>]

(9) Regulations under subsection (1), [...<sup>4</sup>] above may include such supplementary, incidental or consequential provisions as appear to the Secretary of State to be necessary or expedient; and any such provisions may include provisions amending or adapting provisions of [<sup>5</sup>Part I or II of the Local Government Finance Act 1992].

**139.**—(1)[<sup>6</sup>Council tax benefit] provided for by virtue of a scheme under section 123 of the Contributions and Benefits Act (in this Act referred to as a [<sup>6</sup>council tax benefit scheme]) is to be administered by the appropriate authority.

Arrangements for community charge benefits.

[<sup>7</sup>(2) For the purpose of this section the appropriate authority is the billing authority or [<sup>8</sup>local authority in Scotland] which levied the council tax as regards which a person is entitled to the benefit.]

(3) [...<sup>9</sup>]

[<sup>10</sup>(4) Nothing in this section shall be read as excluding the general provisions of the Local Government Act 1972 or the Local Government (Scotland) Act 1973 from applying in relation to the council tax benefit functions of a local authority.]

(5) [...<sup>10</sup>]

(6) A [<sup>11</sup>billing authority] or [<sup>12</sup>local authority in Scotland] may modify any part of the [<sup>9</sup>council tax benefit scheme] administered by the authority—

- (a) so as to provide for disregarding, in determining a person's income, the whole or part of any [<sup>13</sup>prescribed] war disablement pension or [<sup>13</sup>prescribed] war widow's pension payable to that person or to his partner or to a person to whom he is polygamously married;
- (b) to such extent in other respects as may be prescribed,

<sup>1</sup> Subsections (3) and (4) of s. 138 repealed by L.G.F. Act 1992 (c. 14), Sch. 9, para. 19(2) and Sch. 14, for purposes of council tax and council tax benefit from 1.4.93.

<sup>2</sup> Words in s. 138(5) substituted (6.3.92) by L.G.F. Act 1992 (c. 14), Sch. 9, para. 19(3), for purposes of council tax and council tax benefit from 1.4.93.

<sup>3</sup> Subsections (6)–(8) of s. 138 repealed by L.G.F. Act 1992 (c. 14), Sch. 9, para. 19(4) and Sch. 14, for purposes of council tax and council tax benefit from 1.4.93.

<sup>4</sup> Words in s. 138(9) repealed by L.G.F. Act 1992 (c. 14), Sch. 9, para. 19(5) and Sch. 14, for purposes of council tax and council tax benefit from 1.4.93.

<sup>5</sup> Words in s. 138(9) substituted (6.3.92) by L.G.F. Act 1992 (c. 14), Sch. 9, para. 19(5), for purposes of council tax and council tax benefit from 1.4.93.

<sup>6</sup> Words in s. 139(1) substituted (6.3.92) by L.G.F. Act 1992 (c. 14), Sch. 9, para. 20(1), for purposes of council tax and council tax benefit from 1.4.93.

<sup>7</sup> Subsection (2) substituted (6.3.92) for subsection (2) of s. 139 by L.G.F. Act 1992 (c. 14), Sch. 9, para. 20(2), for purposes of council tax and council tax benefit from 1.4.93.

<sup>8</sup> Words substituted (1.4.96) in s. 139(2) by para. 175(3) of Sch. 13 to Local Government etc. (Scotland) Act 1994 (c. 39).

<sup>9</sup> Subsection (2) substituted (6.3.92) for subsection (3) of s. 139 by L.G.F. Act 1992 (c. 14), Sch. 9, para. 20(2), for purposes of council tax and council tax benefit from 1.4.93.

<sup>10</sup> Subsections (4) and (5) amended (1.4.97) by Sch. 12, para. 3(2) to Housing Act 1996 (c. 52)

<sup>11</sup> Words in s. 139(6) substituted (6.3.92) by L.G.F. Act 1992 (c. 14), Sch. 9, para. 20(5), for purposes of council tax and council tax benefit from 1.4.93.

<sup>12</sup> Words substituted (1.4.96) in s. 139 and (6) by para. 175(3) of Sch. 13 to Local Government etc. (Scotland) Act 1994 (c. 39).

<sup>13</sup> Word substituted in s. 139(6)(a) (3.7.07) by the Welfare Reform Act 2007 (c. 5), Sch. 5, para. 4.

**SOCIAL SECURITY ADMINISTRATION ACT 1992 (c. 5)**

**Ss. 139-139A**

and any such modifications may be adopted by resolution of an authority.

(7) Modifications other than such modifications as are mentioned in subsection (6)(a) above shall be so framed as to secure that, in the estimate of the authority adopting them, the total of [<sup>1</sup>the amount of benefit which will be paid by them in any year will not exceed the permitted total or any subsidiary limit specified by order of the Secretary of State.]

(8) An authority which has adopted modifications may by resolution revoke or vary them.

(9) If the [<sup>2</sup>council tax benefit scheme] includes power for an authority to exercise a discretion in allowing [<sup>2</sup>council tax benefit], the authority shall not exercise that discretion so that the total of the [<sup>3</sup>the amount of benefit paid by them in any year exceeds the permitted total or any subsidiary limit specified by order of the Secretary of State.]

[<sup>4</sup>(10) The Secretary of State—

- (a) shall by order specify the permitted total of council tax benefit payable by any authority in any year; and
- (b) may by order specify one or more subsidiary limits on the amount of council tax benefit payable by any authority in any year in respect of any matter or matters specified in the order.

The power to specify the permitted total or a subsidiary limit may be exercised by fixing an amount or by providing rules for its calculation.]

(11) In this section—

“modifications” includes additions, omissions and amendments, and related expressions shall be construed accordingly;

“partner”, in relation to a person, means the other member of the couple concerned;

“war disablement pension” means—

- (a) any retired pay, pension or allowance granted in respect of disablement under powers conferred by or under the Air Force (Constitution) Act 1917, the Personal Injuries (Emergency Provisions) Act 1939, the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939, the Polish Resettlement Act 1947 or Part VII or section 151 of the Reserve Forces Act 1980;
- (b) without prejudice to paragraph (a) of this definition, any retired pay or pension to which [<sup>5</sup>any of paragraphs (a) to (f) of section 641(1) of the Income Tax (Earnings and Pensions) Act 2003] applies; and

[<sup>6</sup>“war widow’s pension” includes any corresponding pension payable to a widower or surviving civil partner.]

*[<sup>7</sup>Reports*

Persons to report on administration.

**139A.**—(1) The Secretary of State may authorise persons to consider and report to him on the administration by authorities of housing benefit and council tax benefit and, in particular, their performance in the prevention and detection of fraud relating to those benefits.

<sup>1</sup> Words in subsection (7) amended (1.4.97) by Sch. 12, para. 3(3) to Housing Act 1996 (c. 52).

<sup>2</sup> Words in s. 139(9) substituted (6.3.92) by L.G.F. Act 1992 (c. 14), Sch. 9, para. 20(7), for purposes of council tax and council tax benefit from 1.4.93.

<sup>3</sup> Words in subsection (9) amended (1.4.97) by Sch. 12, para. 3(4) to Housing Act 1996 (c. 52).

<sup>4</sup> Subsection (10) amended (1.4.97) by Sch. 12, para. 3(5) to Housing Act 1996 (c. 52).

<sup>5</sup> Words in s. 139(11)(b) (6.4.03) defn. of “war disablement pension” substituted by the Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6, para. 187(2).

<sup>6</sup> Defn. of “war widow’s pension” substituted (3.7.07) by the Welfare Reform Act 2007 (c. 5), Sch. 5, para. 4.

<sup>7</sup> Ss. 139A-139C inserted (1.7.97) by s. 5 of Social Security Administration (Fraud) Act 1997 (c. 47).

(2) A person may be authorised under subsection (1) above on such terms and for such period as the Secretary of State thinks fit and may be authorised to act generally or in relation to a specified authority or authorities.

(3) In section 139(b) and 139(c) below—

“benefit” means housing benefit or council tax benefit; and

“authority” means an authority which is administering either of those benefits.

**139B.**—A person authorised under section 139A(1) above—

Powers of investigation.

- (a) has a right of access at all reasonable times to any document relating to the administration of benefit;
- (b) is entitled to require from any person holding or accountable for any such document such information and explanation as he thinks necessary; and
- (c) is entitled, if he thinks it necessary, to require any such person to produce any such document or to attend before him in person to give such information or explanation.

(2) A person authorised under section 139A(1) above is entitled to require any officer or member of an authority or any person involved in the administration of benefit for an authority—

- (a) to give him such information and explanation relating to the administration of benefit as he thinks necessary; and
- (b) if he thinks it necessary, to require any such person to attend before him in person to give the information or explanation.

(3) A person who without reasonable excuse fails to comply with a requirement under section (1) or (2) above is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) A person authorised under section 139A(1) above may—

- (a) require any document or information which is to be given to him under section (1) or (2) above to be given in any form reasonably specified by him; and
- (b) takes copies of any document produced to him.

(5) In this section “document” means anything in which information of any description is recorded.

**139C.**—(1) A report about an authority by a person authorised under section 139A(1) above may include recommendations about improvements which could be made by that authority in its administration of benefit and, [<sup>1</sup>in particular—

Reports.

- (a) in the prevention and detention of fraud relating to benefit, or
- (b) for the purposes of complying with requirements of Part I of the Local Government Act 1999 (best value).]

(2) When the Secretary of State receives a report about an authority from a person authorised under section 139A(1) above, he shall send a copy to the authority.

*[<sup>2</sup>Directions by Secretary of State*

**139D.**—(1) This section applies where—

Directions.

- (a) a copy of a report has been sent to an authority under section 139(c) above;
- (b) a copy of a report has been sent to an authority under [<sup>3</sup>section 10(1) of the Audit Commission Act 1998] and to the Secretary of State under [<sup>3</sup>section 39 of that Act];

<sup>1</sup> Words in s. 139C(1) substituted (27.7.99) by the Local Government Act 1999 (c. 2), s. 14(2).

<sup>2</sup> S. 139D inserted (1.7.97) by S. 8 of Social Security Administration (Fraud) Act 1997 (c. 47).

<sup>3</sup> Words in s. 139D substituted by the Audit Commission Act 1998, Sch. 3, para. 23.

**SOCIAL SECURITY ADMINISTRATION ACT 1992 (c. 5)**

**S. 139D**

[<sup>1</sup>(c) a copy of a report under section 102(1)(b) or (c) of the Local Government (Scotland) Act 1973 which to any extent related to administration of benefit has been sent to a local authority and the Secretary of State under section 102(2) of that Act;]

[<sup>1</sup>(ca) a copy of a report which has been sent to a local authority under section 13A(3) of the Local Government Act 1999 and to the Secretary of State under section 13A(4A) of that Act;]

(d) a copy of a report has been sent to an authority under [<sup>1</sup>section 38(7) of the Audit Commission Act 1998] or section 105A(7) of the Local Government (Scotland) Act 1973.

(2) The Secretary of State may [<sup>1</sup>require] the authority to consider the report and to submit proposals for—

- (a) improving its performance in relation to the prevention and detection of fraud relating to benefit or otherwise in the administration of benefit; and
- (b) remedying any failings identified by the report.

[<sup>1</sup>(2A) A requirement under subsection (2) above may specify—

- (a) any information or description of information to be provided;
- (b) the form and manner in which the information is to be provided.

(2B) The authority must respond to a requirement under subsection (2) above before the end of such period (not less than one month after the day on which the requirement is made) as the Secretary of State specifies in the requirement.

(2C) The Secretary of State may extend the period specified under subsection (2B) above.]

[<sup>1</sup>(3) After considering—

- (a) the report,
  - (b) any proposals made by the authority in response to it, and
  - (c) any other information he thinks is relevant,
- the Secretary of State may give directions to the authority under subsection (3A) or (3B) or both.

(3A) Directions under this subsection are directions as to—

- (a) standards which the authority is to attain in the prevention and detection of fraud relating to benefit or otherwise in the administration of benefit;
- (b) the time within which the standards are to be attained.

(3B) Directions under this subsection are directions to take such action as the Secretary of State thinks necessary or expedient for the purpose of improving the authority's exercise of its functions—

- (a) in relation to the prevention and detection of fraud relating to benefit;
- (b) otherwise in relation to the administration of benefit.

(3C) A direction under subsection (3B) may specify the time within which anything is to be done.]

(4) When giving directions to an authority under [<sup>1</sup>subsection 3A] above, the Secretary of State may make recommendations to the authority setting out any course of action which he thinks it might take to attain the standards which it is directed to attain.

---

<sup>1</sup> In s. 139D: (1)(c) substituted; 1(ca) inserted; word substituted in (2); (2A)-(2C) inserted; (3)-(3C) substituted for (3); word inserted in (4); (1.4.08 by the Welfare Reform Act 2007 (c. 5), s. 39(2)-(7).

[<sup>1</sup>(4A) If the Secretary of State proposes to give a direction under this section he must give the authority to which the direction is to be addressed an opportunity to make representations about the proposed direction.

(4B) The Secretary of State may specify a period within which representations mentioned in subsection (4A) above must be made.

(4C) The Secretary of State may extend a period specified under subsection (4B) above.

(4D) Subsections (4A) to (4C) do not apply if the Secretary of State thinks that it is necessary for a direction to be given as a matter of urgency.

(4E) If the Secretary of State acts under subsection (4D) he must give in writing to the authority to which the direction is addressed his reasons for doing so.]

(5) In this section “benefit” means housing benefit or council tax benefit.]

[<sup>2</sup>**139DA.**—(1) The Secretary of State may at any time in accordance with this section vary or revoke a direction under section 139D above.

Directions: variation and revocation.

(2) A direction may be varied or revoked only if the Secretary of State thinks it is necessary to do so—

- (a) in consequence of representations made by the authority to which the direction is addressed,
- (b) to rectify an omission or error, or
- (c) in consequence of a material change in circumstances.

(3) The Secretary of State must not vary a direction unless he first—

- (a) sends a copy of the proposed variation to the authority concerned,
- (b) gives the authority his reasons for making the variation, and
- (c) gives the authority an opportunity to make representations about the proposed variation.

(4) The Secretary of State may specify a period of not less than one month within which representations mentioned in subsection (3)(c) above must be made.

(5) The Secretary of State may extend a period specified under subsection (4) above.]

[<sup>3</sup>**139E.**—(1) Where directions have been given to an authority under [<sup>2</sup>section 139(3A) or (3B)] above, the Secretary of State may require the authority to supply to him any information which he considers may assist him in deciding—

Information about attainment of standards.

- (a) whether the authority has attained the standards which it has been directed to attain; or

[<sup>4</sup>(aa) whether the authority has taken the action which it has been directed to take;]

- (b) whether the authority is likely to attain those standards [<sup>4</sup>or take that action] within the time specified in the directions.

(2) Information shall be supplied under subsection (1) above in such a manner and form as the Secretary of State may require.

<sup>1</sup> In s. 139D: (4A)-(4E) inserted (1.4.08 by the Welfare Reform Act 2007 (c. 5), s. 39(8).

<sup>2</sup> S. 139DA inserted (1.4.08) by the Welfare Reform Act 2007 (c. 5), s. 39(9).

<sup>3</sup> Ss.139E-139H inserted (1.7.97) by S. 9 of Social Security Administration (Fraud) Act 1997 (c. 47).

<sup>4</sup> In s. 139E words substituted in (1), (1)(aa) inserted & words inserted in (1)(b) (1.4.08) by the Welfare Reform Act 2007 (c. 5), Sch. 5, para. 5.

**SOCIAL SECURITY ADMINISTRATION ACT 1992 (c. 5)**

**Ss. 139F-139G**  
Enforcement notices.

**139F.**—(1) Where directions have been given to an authority under [1section 139(3A) or (3B)] above and the Secretary of State—

(a) is not satisfied that the authority has attained the standards which it has been directed to attain; or

[2(aa) is not satisfied that the authority has taken the action which it has been directed to take;]

(b) is not satisfied that the authority is likely to attain those standards [1or take that action] within the time specified in the directions,

he may serve on the authority a written notice under this section.

(2) The notice shall—

(a) identify the directions and state why the Secretary of State is not satisfied as mentioned in paragraph (a) [2,(aa)] or (b) of subsection (1) above; and

(b) require the authority to submit a written response to the Secretary of State within a time specified in the notice.

(3) If any person (other than the authority) carrying out work relating to the administration of benefit may be affected by any determination which may be made under section 139G below, the authority shall—

(a) consult that person before submitting its response; and

(b) include in its response any relevant observations made by that person.

(4) [2if the notice identifies directions under 139D(3A),] The authority’s response shall either—

(a) state that the authority has attained the standards, or is likely to attain them within the time specified in the directions, and justify that statement; or

(b) state that the authority has not attained the standards, or is not likely to attain them within that time, and (if the authority wishes) give reasons why a determination under section 139G below should not be made or should not include any particular provision.

[2(4A) If the notice identifies directions under section 139D(3B), the authority’s response shall either—

(a) state that the authority has taken the action, or is likely to take it within the time specified in the directions, and justify that statement; or

(b) state that the authority has not taken the action, or is not likely to take it within that time, and (if the authority wishes) give reasons why a determination under section 139G below should not be made or should not include any particular provision.]

(5) The notice may relate to any one or more matters covered by the directions.

(6) The serving of a notice under this section relating to any directions or matter does not prevent the serving of further notices under this section relating to the same directions or matter.

(7) In this section “benefit” means housing benefit or council tax benefit.

Enforcement determinations.

**139G.**—(1) Where after the time specified in the notice under section 139F above has expired, the Secretary of State—

(a) is not satisfied that the authority has attained the standards [3or taken the action] in question; or

<sup>1</sup> In s. 139E words substituted in (1), (1)(aa) inserted & words inserted in (1)(b) (1.4.08) by the Welfare Reform Act 2007 (c. 5), Sch. 5, para. 5.

<sup>2</sup> In s. 139F words substituted in 91); (1)(aa) & (4A) inserted; words inserted in (1)(b) & (2)(a) & (4) (1.4.08) by the Welfare Reform Act 2007 (c. 5), Sch. 5, para. 6.

<sup>3</sup> In 139G words inserted in (1)(a) (1.4.08) by the welfare Reform Act 2007 (c. 5), Sch. 5, para. 6.

- (b) is not satisfied that the authority is likely to attain those standards [<sup>1</sup>or take that action] within the time specified in the directions,

he may make a determination under this section.

(2) The determination may be made whether or not the authority has responded to the notice under section 139F above.

(3) The determination shall be designed to secure the attainment of the standards [<sup>2</sup>or the taking of the action] in question and—

- (a) shall include provision such as is specified in subsection (4) below; and
- (b) may also include provision such as is specified in subsection (5) below.

(4) The provision referred to in paragraph (a) of subsection (3) above is provision that the authority must comply with specified requirements as to inviting, preparing, considering and accepting bids to carry out any work which—

- (a) falls to be carried out in pursuance of the authority’s functions relating to the administration of benefit; and
- (b) is of a description specified in the determination.

(5) The provision referred to in paragraph (b) of that subsection is provision of any one or more of the following kinds relating to the work, or any specified category of the work, to which the determination relates—

- (a) provision that it may not be carried out by the authority;
- (b) provision that it may not be carried out by any person (other than the authority) who has been carrying it out; and
- (c) provision that any contract made by the authority with any person for carrying it out shall include terms requiring a level of performance which will secure, or contribute to securing, the attainment of the standards [<sup>2</sup>or the taking of the action] in question.

(6) In this section “benefit” means housing benefit or council tax benefit.

**139H.**—(1) The provisions included in a determination under section 139G above shall take effect from a date specified in the determination; and different dates may be specified in relation to different provisions.

Enforcement determinations: supplementary.

(2) The making of a determination under section 139G above in relation to any directions does not prevent the making of further determinations under that section in relation to the same directions.

(3) The provision included in a determination by virtue of section 139G(3) above may include—

- (a) requirements that the Secretary of State be satisfied as to any specified matter; and
- (b) requirements that the Secretary of State authorise or consent to any specified matter.

(4) The provision so included may also include provision as to the time at which any contract for the carrying out of work to which the determination relates (and which is not previously discharged) is to be taken to be frustrated by the determination.

(5) A determination under section 139G above shall have effect in spite of any enactment under or by virtue of which an authority is required or authorised to carry out any work to which the determination relates.

<sup>1</sup> In 139G words inserted in (1)(b) (1.4.08) by the welfare Reform Act 2007 (c. 5), Sch. 5, para. 6.

<sup>2</sup> Words inserted in 139G(3) & (5) (1.4.08) by the Welfare Reform Act 2007 (c. 5), Sch. 5, para. 7.

## SOCIAL SECURITY ADMINISTRATION ACT 1992 (c. 5)

### Ss. 139H-140

(6) A determination under section 139G above may make a provision having effect, in relation to the work to which it relates, instead of any requirement which (apart from the determination) would have effect in relation to that work under or by virtue of the Local Government Act 1988.]

Community charge benefit financet.

[<sup>1</sup>140.—(1) For each year the Secretary of State shall pay a subsidy (to be known as community charge benefit subsidy) to each charging authority and to each levying authority.

(2) The amount of community charge benefit subsidy to be paid to a charging authority or a levying authority for a year shall be calculated in such manner as may be specified by an order made by the Secretary of State.

(3) Any calculation under subsection (2) above shall be made by reference to the total amount of the community charge benefits allowed by the authority during the year with any additions specified in the order but subject to any deduction so specified.

(4) The Secretary of State may deduct, from the amount which would (apart from this subsection) be payable to a charging or levying authority by way of community charge benefit subsidy for a year, such amount as he considers it unreasonable to pay by way of such subsidy.

(5) The Secretary of State may pay to an authority, as part of the amount of community charge benefit subsidy payable to the authority for a year, an additional sum in respect of the costs of administering community charge benefits; and any such additional sum shall be calculated in a manner specified by an order made by the Secretary of State.

(6) Nothing in this section shall be taken to imply that any such addition or deduction as is mentioned in subsection (3) or (4) above may not be determined by reference to—

- (a) an authority's expenditure in respect of community charge benefits allowed during any previous year; or
- (b) any subsidy paid under this section to an authority in respect of any previous year.

(7) Subsidy under this section shall be payable by the Secretary of State at such time and in such manner as the Treasury may direct; and section 137 above shall apply in relation to a charging authority of a levying authority and subsidy under this section as they apply in relation to a rating authority, a housing authority or local authority and subsidy under that section.

(8) The amount of any subsidy payable to an authority shall be calculated to the nearest pound, by disregarding an odd amount of 50 pence or less and by treating an odd amount exceeding 50 pence as a whole pound.]

Community charge benefit financet.

[<sup>2</sup>140.—(1) For each year the Secretary of State shall pay a subsidy (to be known as [<sup>3</sup>council tax benefit subsidy]) to each [<sup>3</sup>billing authority] and to each [<sup>3</sup>local authority in Scotland].

(2) The amount of [<sup>3</sup>council tax benefit subsidy to be paid to a billing authority] for a [<sup>4</sup>local authority in Scotland] for a year shall be calculated in such manner as may be specified by an order by the Secretary of State.

(3) Any calculation under subsection (2) above shall be made by reference to the total amount of the [<sup>3</sup>council tax benefit] allowed by the authority during the year with any additions specified in the order but subject to any deduction so specified.

<sup>1</sup> S. 140 as in effect for purposes of community charge and community charge benefits for any day before 1.4.93. (L.G.F Act 1992 (c. 14), s. 118), and for purposes of community charge benefit subsidy for any year ending before 1.4.93 (S.I. 1993/232, art. 2).

<sup>2</sup> S. 140 as in effect for purposes of council tax and council tax benefit from 1.4.93.

<sup>3</sup> Words in s. 140 substituted (6.3.92) by L.G.F. Act 1992 (c. 14), Sch. 9, para. 21, for purposes of council tax and council tax benefit from 1.4.93. These substitutions do not take effect for purposes of community charge benefit subsidy for any year ending before 1.4.93 by virtue of S.I. 1993/232, art. 2; but see also art. 3 *ibid.* (transitional provision) in relation to s. 140(6) and (7).

<sup>4</sup> Words substituted (1.4.96) in s. 140 by para. 175(3) of Sch. 13 to Local Government etc. (Scotland) Act 1994 (c. 39).

(4) The Secretary of State may deduct, from the amount which would (apart from this subsection) be payable [<sup>1</sup>to a

<sup>2</sup>billing or levying authority

<sup>3</sup>billing or [<sup>4</sup>local authority in Scotland]

by way of council tax benefit subsidy] for a year, such amount as he considers it unreasonable to pay by way of such subsidy.

(5) The Secretary of State may pay to an authority, as part of the amount of [<sup>5</sup>council tax benefit subsidy] payable to the authority for a year, an additional sum in respect of the costs of administering [<sup>5</sup>council tax benefit]; and any such additional sum shall be calculated in a manner specified by an order made by the Secretary of State.

(6) Nothing in this section shall be taken to imply that any such addition or deduction as is mentioned in subsection (3) or (4) above may not be determined by reference to—

- (a) an authority's expenditure in respect of [<sup>5</sup>council tax benefit] allowed during any previous year; or
- (b) any subsidy paid under this section to an authority in respect of any previous year.

(7) Subsidy under this section shall be payable by the Secretary of State at such time and in such manner as the Treasury may direct; and section 137 above shall apply in relation to a [<sup>5</sup>billing authority] or a [<sup>6</sup>local authority in Scotland] and subsidy under this section as they apply in relation to a rating authority, a housing authority or local authority and subsidy under that section.

(8) The amount of any subsidy payable to an authority shall be calculated to the nearest pound, by disregarding an odd amount of 50 pence or less and by treating an odd amount exceeding 50 pence as a whole pound.]

† *Unreliable marginal note*

[<sup>7</sup>Subsidy

**140A.**—(1) For each year the Secretary of State shall pay a subsidy to each authority administering housing benefit or council tax benefit. Subsidy.

(2) He shall pay—

- (a) rent rebate subsidy to each housing authority;
- (b) rent allowance subsidy to each local authority; and
- (c) council tax benefit subsidy to each billing authority [<sup>8</sup>and to each local authority in Scotland

<sup>1</sup> Words in s. 140 substituted (6.3.92) by L.G.F. Act 1992 (c. 14), Sch. 9, para. 21, for purposes of council tax and council tax benefit from 1.4.93. These substitutions do not take effect for purposes of community charge benefit subsidy for any year ending before 1.4.93 by virtue of S.I. 1993/232, art. 2; but see also art. 3 *ibid.* (transitional provision) in relation to s. 140(6) and (7).

<sup>2</sup> Words as continuing to apply in England and Wales.

<sup>3</sup> Words applying in Scotland.

<sup>4</sup> Words substituted (1.4.96) for “levying authority” in s. 140(4) by para. 175(3) of Sch. 13 to Local Government etc. (Scotland) Act 1994 (c. 39).

<sup>5</sup> Words in s. 140 substituted (6.3.92) by L.G.F. Act 1992 (c. 14), Sch. 9, para. 21, for purposes of council tax and council tax benefit from 1.4.93. These substitutions do not take effect for purposes of community charge benefit subsidy for any year ending before 1.4.93 by virtue of S.I. 1993/232, art. 2; but see also art. 3 *ibid.* (transitional provision) in relation to s. 140(6) and (7).

<sup>6</sup> Words substituted (1.4.96) in s. 140 by para. 175(3) of Sch. 13 to Local Government etc. (Scotland) Act 1994 (c. 39).

<sup>7</sup> Ss. 140A-140G inserted (1.4.97) by Sch. 12, para. 5 to Housing Act 1996 (c. 52).

<sup>8</sup> Words substituted in s. 14A(1)(c) (3.5.07), to have effect from 1.4.97) by the Welfare Reform Act 2007 (c. 5), para. 8.

**SOCIAL SECURITY ADMINISTRATION ACT 1992 (c. 5)**

**Ss. 140A-140B**

Calculation of amount of subsidy.

(3) In the following provisions of this Part “subsidy” without more, refers to subsidy of any of those descriptions.

**140B.**—(1) The amount of subsidy to be paid to an authority shall be [<sup>1</sup>determined in accordance with an] order made by the Secretary of State.

(2) Subject as follows, the amount of subsidy shall be calculated by reference to the amount of relevant benefit paid by the authority during the year [...<sup>2</sup>]

In the case of a housing authority in England and Wales, any Housing Revenue Account rebates paid by them shall be excluded from [<sup>1</sup>the amount of relevant benefit].

(3) The order may provide that the amount of subsidy in respect of any matter shall be a fixed sum or shall be nil.

[<sup>3</sup>(4) The Secretary of State may—

- (a) pay as part of subsidy an additional amount specified by, or calculated in a manner specified by, the order; or
- (b) deduct from the amount which would otherwise be payable by way of subsidy an amount specified by, or calculated in a manner specified by, the order.

(4A) The additional amounts which may be paid by virtue of subsection (4)(a) above includes amounts in respect of—

- (a) the costs of administering the relevant benefit; or
- (b) success in preventing or detecting fraud relating to the relevant benefit or action to be taken with a view to preventing or detecting such fraud.

(5) The Secretary of State may—

- (a) where an application is made by an authority on his invitation, pay to the authority as part of the subsidy such additional amount as he considers appropriate in respect of—
  - (i) success in preventing or detecting fraud relating to the relevant benefit; or
  - (ii) action to be taken with a view to preventing or detecting such fraud; or
- (b) deduct from the subsidy which would otherwise be payable to an authority such amount as he considers it unreasonable to pay by way of subsidy.

(5A) The amounts which may be deducted by virtue of subsection (4)(b) or (5)(b) above include amounts in respect of—

- (a) a failure to comply with directions under [<sup>4</sup>section 139D(3A) or (3B)] above; and
- (b) other failures in preventing or detecting fraud relating to the relevant benefit.]

(6) In this section “relevant benefit” means housing benefit or council tax benefit, as the case may be.

(7) Nothing in this section shall be taken to imply that any such addition or deduction as is mentioned in subsection [<sup>5</sup>(4) or (5) ] above may not be determined by reference to—

- (a) the amount of relevant benefit paid by the authority during a previous year; or

<sup>1</sup> Words in s. 140B amended (1.7.97) by Sch. 1, para 7 to Social Security Administration (Fraud) Act 1997(c. 47).

<sup>2</sup> Words repealed (1.7.99) in s. 140B(2) by S.S. Administration (Fraud) Act 1997 (c. 47), Sch. 2.

<sup>3</sup> Subsections (4-5) amended (1.7.97) by s. 10 of Social Security Administration (Fraud) Act 1997 (c. 47).

<sup>4</sup> Words substituted in s. 140B(5A) (1.4.08) by the Welfare Reform Act 2007 (c. 5), Sch. 5, para. 9.

<sup>5</sup> Words substituted in s. 140B(7) (1.7.97) by the Social Security Administration (Fraud) Act 1997 (c. 47), Sch. 1, para. 7.

- (b) the amount of subsidy paid to the authority in respect of a previous year, under this section.

(8) The amount of subsidy payable to an authority shall be calculated to the nearest pound, disregarding an odd amount of 50 pence or less and treating an odd amount exceeding 50 pence as a whole pound.

**140C.**—(1) Subsidy shall be paid by the Secretary of State in such instalments, at such times, in such a manner and subject to such conditions as to claims, records, certificates, audit or otherwise as may be provided by order of the Secretary of State.

Payments of subsidy.

(2) The order may provide that if an authority has not, within such period as may be specified in the order, complied with the conditions so specified as to claims, records, certificate, audit or otherwise, the Secretary of State may estimate the amount of subsidy payable to the authority and employ for that purpose such criteria as he considers relevant.

(3) Where subsidy has been paid to an authority and it appears to the Secretary of State—

- (a) that subsidy has been overpaid; or
- (b) that there has been a breach of any condition specified in an order under this section,

he may recover from the authority the whole or such part of the payment as he may determine.

Without prejudice to other methods of recovery, a sum recoverable under this subsection may be recovered by withholding or reducing subsidy.

(4) An order made by the Secretary of State under this section may be made before, during or after the end of the year or years to which it relates.

**140D.**—(1) Rent rebate subsidy is payable—

Rent rebate subsidy:  
accounting provisions.

- (a) in the case of a local authority in England and Wales, for the credit of a revenue account of theirs other than their Housing Revenue Account or Housing Repairs Account;
- (b) in the case of a local authority in Scotland, for the credit of their rent rebate account;
- (c) in the case of a development corporation in England and Wales or the Development Board for Rural Wales, for the credit of their housing account; and
- (d) in the case of a new town corporation in Scotland or Scottish Homes, for the credit of the account to which rent rebates granted by them, or it, are debited.

(2) Every local housing authority in England and Wales shall for each year carry to the credit of their Housing Revenue Account from some other revenue account of theirs which is not a Housing Repairs Account an amount equal to the aggregate of—

- (a) so much of each Housing Revenue Account rebate paid by them during the year as was paid—
  - (i) in the exercise of a discretion conferred by the housing benefit scheme; or
  - (ii) in pursuance of any modification of that scheme under section 134(8)(b) above; and
- (b) unless the authority otherwise determine, so much of each such rebate as was paid in pursuance of such modifications of that scheme as are mentioned in section 134(8)(a) above.

**SOCIAL SECURITY ADMINISTRATION ACT 1992 (c. 5)**

**Ss. 140E-140G**

*Supplementary provisions*

Financing of joint arrangements.

**140E.**—(1) Where two or more authorities make arrangements for the discharge of any of their functions relating to housing benefit or council tax benefit—

- (a) by one authority on behalf of itself and one or more other authorities; or
- (b) by a joint committee,

the Secretary of State may make such payments as he thinks fit to the authority or committee in respect of their expenses in carrying out those functions.

(2) The provisions of sections 140B and 140C (subsidy: calculation and supplementary provisions) apply in relation to a payment under this section as in relation to a payment of subsidy.

(3) The Secretary of State may (without prejudice to the generality of his powers in relation to the amount of subsidy) take into account the fact that an amount has been paid under this section in respect of expenses which would otherwise have been met in whole or in part by the participating authorities.

Financing of other expenditure.

[<sup>1</sup>**140EE.**—(1) The Secretary of State may make to a local authority such payments as he thinks fit in respect of expenses incurred by the authority in connection with the carrying out of any relevant function—

- (a) by the authority,
- (b) by any person providing services to the authority, or
- (c) by any person authorised by the authority to carry out that function.

(2) In subsection (1) “relevant function” means any function conferred by virtue of section 2A, 2C or 7A above.

(3) The following provisions, namely—

- (a) in section 140B, subsections (1), (3), (4), (5)(b), (7)(b) and (8), and
- (b) section 140C,

apply in relation to a payment under this section as in relation to a payment of subsidy.

(4) The Secretary of State may (without prejudice to the generality of his powers in relation to the amount of subsidy) take into account the fact that an amount has been paid under this section in respect of costs falling within section 140B(4A)(a) above.]

No requirements for annual orders.

**140F.**—(1) Any power under this Part to make provision by order for or in relation to a year does not require the making of a new order each year.

(2) Any order made under the power may be revoked or varied at any time, whether before, during or after the year to which it relates.

Interpretation: Part VIII.

**140G.** In this Part, unless the context otherwise requires—

“Housing Repairs Account” means an account kept under section 77 of the Local Government and Housing Act 1989;

“Housing Revenue Account” means the account kept under section 74 of the Local Government and Housing Act 1989, and—

- (a) references to property within that account have the same meaning as in Part VI of that Act, and
  - (b) “Housing Revenue Account rebate” means a rebate debited to that account in accordance with that Part;
- “rent rebate subsidy” and “rent allowance subsidy” shall be construed in accordance with section 134 above;

---

<sup>1</sup> S. 140EE inserted (11.11.99) by the Welfare Reform & Pensions Act 1999 (c. 30), Sch. 12, para. 80.

“year” means a financial year within the meaning of the Local Government Finance Act 1992.]

Ss. 141–149—see volume 1.

## PART X REVIEW AND ALTERATION OF BENEFITS

**150.—(1)** The Secretary of State shall in each tax year review the sums—

Annual up-rating of benefits.

S. 150(1)(a)–(g)—see volume 1.

(h) prescribed for the purposes of section 128(5) or 129(8) of that Act or specified in regulations under section 135(1) [of that Act];

S. 150(1)(i)–(m)—see volume 1.

in order to determine whether they have retained their value in relation to the general level of prices obtaining in Great Britain estimated in such manner as the Secretary of State thinks fit.

(2) Where it appears to the Secretary of State that the general level of prices is greater at the end of the period under review than it was at the beginning of that period, he shall lay before Parliament the draft of an up-rating order—

- (a) which increases each of the sums to which subsection (3) below applies by a percentage not less than the percentage by which the general level of prices is greater at the end of the period than it was at the beginning; and
- (b) if he considers it appropriate, having regard to the national economic situation and any other matters which he considers relevant, which also increases by such a percentage or percentages as he thinks fit any of the sums mentioned in subsection (1) above but to which subsection (3) below does not apply; and
- (c) stating the amount of any sums which are mentioned in subsection (1) above but which the order does not increase.

*\*See section 23(a) & (b) of the Welfare Reform Act 2009 (c. 24) at page. 2.7682 for details of modifications in regards to “(annual up-rating of benefits) in tax year ending 5.4.10” in certain situations.*

(3) This subsection applies to sums—

- (a) specified in Part I, [2 paragraphs [3<sup>1</sup> to 5] of Part III], Part IV or Part V of Schedule 4 to the Contributions and Benefits Act [3(excluding the provisions of Parts 1 and 5 of the Schedule that specify amounts mentioned in section 150A(1) below);]
- [4(aa) specified in regulations under section 30 B(7) of that Act;]
- (b) mentioned in subsection (1)(a)(ii) or (iii), [4(aa),] [3(ab),] (b), (c), (d), [5(dza)](e) or (g) above.

(4) Subsection (2) above shall not require the Secretary of State to provide for an increase in any case in which it appears to him that the amount of the increase would be inconsiderable.

<sup>1</sup> Words inserted in s. 150(1)(h) (6.4.03) by the Tax Credits Act 2002 (c. 21, Sch. 3, para. 35.

<sup>2</sup> Words substituted (18.11.94) in s. 150(3)(a) by s. 9(4) of Social Security (Incapacity for Work) Act 1994 (c. 18).

<sup>3</sup> In s. 150(3) ref “1 to 5” to be substituted for “1 to 6”; words to be inserted in (a) & (b) (prosp.) by the Pensions Act 2007, s. 6(3).

<sup>4</sup> S. 150(aa) & ref in (3)(b) inserted (18.11.94) by s. 2(3) of S.S. (Incapacity for Work) Act 1994 (c. 18).

<sup>5</sup> Ref to be inserted in s. 150(3)(b) (prosp.) by the Pensions Act 2007 (c. 22), s. 6(3).

## SOCIAL SECURITY ADMINISTRATION ACT 1992 (c. 5)

### Ss. 150-163

\*(5) The Secretary of State may, in providing for an increase in pursuance of subsection (2) above, adjust the amount of the increase so as to round any sum up or down to such extent as he thinks appropriate.

*S. 150(6)—see volume 1.*

(7) If the Secretary of State considers it appropriate to do so, he may include in the draft of an up-rating order, in addition to any other provisions, provisions increasing any of the sums for the time being specified in regulations under Part VII of the Contributions and Benefits Act [<sup>1</sup> or under the Jobseekers Act 1995,] [<sup>2</sup> or the State Pension Credit Act 2002] which are additions to income support under regulations made under section 89 of the 1986 Act. [<sup>3</sup>The reference to regulations under the State Pension Credit Act 2002 does not include those prescribing the amounts mentioned in section 150A(1)(d) below.].

*S. 150(8)—see volume 1.*

(9) If a draft order laid before Parliament in pursuance of this section is approved by a resolution of each House, the Secretary of State shall make the order in the form of the draft.

(10) An order under this section—

- (a) shall be framed so as to bring the alterations to which it relates into force—
  - (i) in the week beginning the first Monday in the tax year [<sup>4</sup>following that in which the order is made]; or
  - (ii) on such earlier date in April as may be specified in the order;
- (b) may make such transitional provision as the Secretary of State considers expedient in respect of periods of entitlement—
  - (i) to [<sup>5</sup>working families' tax credit];
  - (ii) to [<sup>5</sup>disabled person's tax credit]; or
  - (iii) to statutory sick pay,running at the date when the alterations come into force.

*Ss. 150(10A)–160—see volume 1.*

## PART XII

### FINANCE

General financial arrangement.

*Ss. 161–163(1)—see volume 1.*

**163.—**(2) There shall be paid out of the money provided by Parliament—

- (a) any administrative expenses of the Secretary of State or other government department in carrying into effect the Contributions and Benefits Acts or this Act;
- [<sup>6</sup>(aa) any administrative expenses of the Secretary of State in supplying information about benefits under Part II of that Act in accordance with regulations under section 23 of the Welfare Reform and Pensions Act 1999;]

*S. 163(2)(b) and (c)—see volume 1.*

<sup>1</sup> Words inserted (11.6.96) in s. 150(7) by para. 64(3) of Sch. 2 to Jobseekers Act 1995 (c. 18).

<sup>2</sup> Words inserted in s. 150(7) (2.7.02) for the purposes of exercising power to make regulations or orders by the State Pension Credit Act 2002 (c. 16), Sch. 2, para. 16(3).

<sup>3</sup> Words inserted in s. 150(7) (26.7.07) by the Pensions Act, s. 6(4).

<sup>4</sup> Words to be inserted in s. 150(10)(a)(i) (prosp.) by the Pensions Act 2007 (c. 22), Sch. 1, para. 21.

<sup>5</sup> Words in s. 150(10)(b) substituted (5.10.99) by paras, 3(e) of Sch. 1 to the Tax Credits Act 1999 (c. 10).

<sup>6</sup> Para. (aa) inserted in s. 163(2) (1.12.00) by the Welfare Reform & Pensions Act 1999 (c. 30), Sch. 12, para. 26.

- (d) any sums payable by way of the following—
  - (i) income support;
  - (ii) [<sup>1</sup>working families' tax credit];
  - (iii) [<sup>1</sup>disabled person's tax credit];
  - (iv) rate rebate subsidy;
  - (v) rent rebate subsidy;
  - (vi) rent allowance subsidy;
  - (vii) [<sup>2</sup>community charge benefit subsidy] [<sup>3</sup>council tax benefit subsidy];

S. 163(2)(e)–(g)—see volume 1.

- (h) any sums falling to be paid by the Secretary of State [<sup>4</sup>or the Inland Revenue] under or by virtue of this Act by way of travelling expenses;

S. 163(2)(i)—see volume 1.

except in so far as they may required by any enactment to be paid or borne in some other way.

Ss. 163(3)–169—see volume 1.

## PART XIII

### ADVISORY BODIES AND CONSULTATION

Ss. 170–175—see volume 1.

#### *Housing benefit and community charge benefits.*<sup>†</sup>

**176.**—(1) Subject to subsection (2) below, before making—

- (a) regulations relating to housing benefit or [<sup>5</sup>council tax benefit] (other than regulations of which the effect is to increase any amount specified in regulations previously made);
- [<sup>6</sup>(aa) regulations under section 69 of the Child Support, Pensions and Social Security Act 2000;]
- (b) an order under [<sup>7</sup>any provision of Part VIII above],

Consultation with representatives organisations.

the Secretary of State shall consult with organisations appearing to him to be representative of the authorities concerned.

(2) Nothing in subsection (1) above shall require the Secretary of State to undertake consultations if—

- (a) it appears to him that by reason of the urgency of the matter it is inexpedient to do so; or
- (b) the organisations have agreed that consultations should not be undertaken.

<sup>1</sup> Words in s. 163(2)(d) substituted (5.10.99) by para. 3(f) of Sch. 1 to the Tax Credits Act 1999 (c. 10).

<sup>2</sup> Words in s. 163(2)(d)(vii) as in effect for purposes of community charge and community charge benefits for any day before 1.4.93. (L.G.F.) Art 1992 (c. 14), s. 118, and for purposes of community charge benefit subsidy for any year ending before 1.4.93 (S.I. 1993/232, art. 2).

<sup>3</sup> Words in s. 163(2)(d)(vii) substituted (6.3.92) by L.G.F. Act. 1992 (c. 14), Sch. 9, para. 22, for purposes of council tax and council tax benefit from 1.4.93.

<sup>4</sup> Words inserted in s. 163(2)(h) (1.4.99) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), Sch. 1, para. 29(b).

<sup>5</sup> Words in s. 176(1)(a) substituted (6.3.92) by L.G.F. Act 1992 (c. 14), Sch. 9, para. 23, for purposes of council tax benefit from 1.4.93).

<sup>6</sup> Para. (aa) inserted in s. 176(1) by (1.11.00) by the Child Support, Pensions & Social Security Act 2000 (c. 19), s. 69.

<sup>7</sup> Words substituted (1.4.97) by the Housing Benefit Act 1996 (c. 52), Sch. 13, para. 4.

(3) Where the Secretary of State has undertaken such consultations, he may make any regulations or order to which the consultations relate without completing the consultations if it appears to him that by reason of the urgency of the matter it is expedient to do so.

† *Unreliable heading.*

## PART XIV

### SOCIAL SECURITY SYSTEMS OUTSIDE GREAT BRITAIN

Reciprocal agreements with countries outside the United Kingdom.

#### 177–178 [1...]

179.—(1) For the purposes of giving effect—

- (a) to any agreement with the government of a country outside the United Kingdom providing for reciprocity in matters relating to payment for purposes similar or comparable to the purposes of legislation to which this section applies, or
- (b) to any such agreement as it would be if it were altered in accordance with proposals to alter it which, in consequence of any change in the law of Great Britain, the government of the United Kingdom has made to the other government in question,

Her Majesty may by Order in Council make provision for modifying or adapting such legislation in its application to cases affected by the agreement or proposed alterations.

(2) An Order made by virtue of subsection (1) above may, instead of or in addition to making specific modifications or adaptations, provide generally that legislation to which this section applies shall be modified to such extent as may be required to give effect to the provisions contained in the agreement or, as the case may be, alterations in question.

(3) The modifications which may be made by virtue of subsection (1) above include provisions—

- (a) for securing that acts, omissions and events having any effect for the purposes of the law of the country in respect of which the agreement is made have a corresponding effect for the purposes of this Act [<sup>2</sup>, the Jobseekers Act 1995] [<sup>3</sup>Chapter II of Part I of the Social Security Act 1998] [<sup>4</sup>, Part II of the Social Security Contributions (Transfer of Functions, etc.) Act 1999] [<sup>5</sup>, the State Pension Credit Act 2002] and the Contributions and Benefits Act (but not so as to confer a right to double benefit);
- (b) for determining, in cases where rights accrue both under such legislation and under the law of that country, which of those rights is to be available to the person concerned;
- (c) for making any necessary financial adjustments.

(4) This section applies—

- (a) to the Contributions and Benefits Act;
- [<sup>6</sup>(aa) to the Jobseekers Act 1995;] and

<sup>1</sup> Ss. 177-178 repealed by the Northern Ireland Act 1998 (c. 47), s. 87(8)(a).

<sup>2</sup> Words inserted (22.4.96) in s. 179(3)(a) by para. 70(2) of Sch. 2 to Jobseekers Act 1995 (c. 18).

<sup>3</sup> Words in s. 179(3)(a) inserted (5.7.99) by S.S. Act 1998 (c. 14), Sch. 7, para. 106.

<sup>4</sup> Words in s. 179(3)(a) inserted (1.4.99) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), Sch. 7, para. 15(2).

<sup>5</sup> Words inserted in s. 179(3)(a) (2.7.02) for the purposes of exercising power to make regs. or orders by the State Pension Credit Act 2002 (c. 16), Sch. 2, para. 21(2).

<sup>6</sup> Para. (aa) inserted (22.4.96) in s. 179(4) by para. 70(3) of Sch. 2 to Jobseekers Act 1995 (c. 18).

- [<sup>1</sup>(ab) to Chapter II of Part I of the Social Security Act 1998;]
- [<sup>2</sup>(ac) to Part II of the Social Security Contributions (Transfer of Functions, etc.) Act 1998; and]
- [<sup>3</sup>(ae) to the State Pension Credit Act 2002; and]
- (b) to this Act,

except in relation to the following benefits—

- (i) community charge benefits;
- (ii) payments out of the social fund;
- (iii) Christmas bonus;
- (iv) statutory sick pay; and
- (v) statutory maternity pay.

(5) The power conferred by subsection (1) above shall also be exercisable in relation to regulations made under the Contributions and Benefits Act [<sup>4</sup>, this Act or Part 1 of the Welfare Reform Act 2007] and concerning—

- (a) income support;
- [<sup>5</sup>(aa) jobseeker’s allowance;]
- [<sup>3</sup>(ab) state pension credit;]
- (b) [<sup>6</sup>working families’ tax credit];
- (c) [<sup>6</sup>disabled person’s tax credit];
- (d) housing benefit; or
- (e) child benefit.

[**179A.**—(1) This section applies where it appears to the Secretary of State—

- (a) that there are arrangements in force for the exchange of relevant information between him and any authorities in a country outside the United Kingdom (‘the overseas country’); and
- (b) that the arrangements and the law in force in the overseas country are such as to ensure that there are adequate safeguards in place against any improper use of information disclosed by the Secretary of State under this section.

Exchange of  
information with  
overseas authorities

(2) For the purpose of facilitating the carrying out by authorities in the overseas country of any function relating to anything corresponding to, or in the nature of, a social security benefit, the Secretary of State may make any such disclosure of relevant information to authorities in the overseas country as he considers necessary to give effect to the arrangements.

(3) It shall be the duty of the Secretary of State to take all such steps as may be reasonable for securing that relevant information disclosed to him in accordance with the arrangements is not used for any purpose for which its use is not expressly or impliedly authorised by or under the arrangements.

(4) This section does not apply where provision is in force under section 179 above for giving effect to the arrangements in question.

(5) The purposes for which information may be required to be disclosed to the Secretary of State under section 122D above or section 116D of the Northern Ireland

---

<sup>1</sup> Para. (ab) inserted (5.7.99) by S.S. Act 1998 (c. 14), Sch. 7, para. 107(2).  
<sup>2</sup> Para. (ac) inserted (1.4.99) by Transfer of Functions Act 1999 (c. 11), Sch. 7, para. 16.  
<sup>3</sup> Para. (ae) inserted in subsection (4) and para. (ab) inserted in subsection (5) of s. 179 (2.7.02) for the purposes of exercising power to make regulations or orders by the State Pensions Credit Act 2002 (c. 16), Sch. 2, para. 21(3) and (4).  
<sup>4</sup> Words in s. 179(5) substituted (31.10.11) by S.I. 2011/2425, reg. 3  
<sup>5</sup> Para. (aa) inserted (22.4.96) in s. 179(5) by para. 70(4) of Sch. 2 to Jobseekers Act 1995 (c. 18).  
<sup>6</sup> Words substituted (5.10.99) in s. 179(5) by para. 3(g) of Sch. 1 to the Tax Credits Act 1999 (c. 10).  
<sup>7</sup> S. 179A inserted (14.2.03) by the Social Security Fraud Act 2001 (c.11), s. 5.

**SOCIAL SECURITY ADMINISTRATION ACT 1992 (c. 5)**

**Ss. 179A-189**

Administration Act (information required from authorities administering housing benefit or council tax benefit) shall be deemed to include the further disclosure of that information in accordance with this section.

(6) In this section “relevant information” means any information held by the Secretary of State or any authorities in a country outside the United Kingdom for the purposes of any functions relating to, or to anything corresponding to or in the nature of, a social security benefit.]

**PART XV**  
**MISCELLANEOUS**

*Ss. 180–186—see Volume 1.*

*Miscellaneous*

Certain benefit to be inalienable.

**187.**—(1) Subject to the provisions of this Act, every assignment of or charge on—

- (a) benefit as defined in section 122 of the Contributions and Benefits Act;
- [<sup>1</sup>(aa) a jobseeker’s allowance;]
- [<sup>2</sup>(ab) state pension credit;]
- (b) any income-related benefit; or
- (c) child benefit,

and every agreement to assign or charge such benefit shall be void; and, on the bankruptcy of a beneficiary, such benefit shall not pass to any trustee or other person acting on behalf of his creditors.

(2) In the application of subsection (1) above to Scotland—

- (a) the reference to assignment of benefit shall be read as a reference to assignment, “assign” being construed accordingly;
- (b) the reference to a beneficiary’s bankruptcy shall be read as a reference to the sequestration of his estate or the appointment on his estate of a judicial factor under section 41 of the Solicitors (Scotland) Act 1980.

1980 c. 46.

(3) In calculating for the purposes of section 5 of the Debtors Act 1869 or section 4 of the Civil Imprisonment (Scotland) Act 1882 the means of any beneficiary, no account shall be taken of any increase of disablement benefit in respect of a child or of industrial death benefit.

1869 c. 62.  
1882 c. 42.

*S. 188—see Volume 1.*

**PART XVI**  
**GENERAL**

*Subordinate legislation*

Regulations and orders - general.

**189.**—(1) Subject to [...<sup>3</sup>] [<sup>4</sup>any provision providing for an order or regulations to be made by the Treasury or the Inland Revenue and to] any [...<sup>5</sup>] other express provision of this Act, regulations and orders under this Act shall be made by the Secretary of State.

*S. 189(2)—see Volume 1.*

<sup>1</sup> S. 187(1)(aa) inserted (11.6.96) by para. 72 of Sch. 2 to Jobseekers Act 1995 (c. 18).

<sup>2</sup> Para. (ab) inserted in s. 187(1) (2.7.02) for the purposes of exercising power to make regulations or orders by the State Pension Credit Act 2002 (c. 16) Sch. 2, para. 23.

<sup>3</sup> Words in s. 189(1) deleted (6.9.99) by S.S. Act 1998 (c. 14), Sch. 7, para. 109.

<sup>4</sup> Words in s. 189(1) inserted (1.4.99) by Social Security Contributions (Transfer of Functions etc) Act 1999 (c. 2), Sch. 3, para. 57(2).

<sup>5</sup> Word “other” repealed in s. 189(1) (6.4.03) by the Tax Credits Act 2002 (c. 21), Sch. 6.

(3) Powers under this Act to make regulations or orders are exercisable by statutory instrument.

(4) Except in the case of regulations under section [...<sup>1</sup>] 175 above and in so far as this Act otherwise provides, any power conferred by this Act to make an Order in Council, regulations or an order may be exercised—

- (a) either in relation to all cases to which the power extends, or in relation to those cases subject to specified exceptions, or in relation to any specified cases or classes of case;
- (b) so as to make, as respects the cases in relation to which it is exercised—
  - (i) the full provision to which the power extends or any less provision (whether by way of exception or otherwise);
  - (ii) the same provision for all cases in relation to which the power is exercised, or different provision for different cases or different classes of case or different provision as respects the same case or class of case for different purposes of this Act;
  - (iii) any such provision either unconditionally or subject to any specified condition;

and where such a power is expressed to be exercisable for alternative purposes it may be exercised in relation to the same case for any or all of those purposes; and powers to make an Order in Council, regulations or an order for the purposes of any one provision of this Act are without prejudice to powers to make regulations or an order for the purposes of any other provision.

(5) Without prejudice to any specific provision in this Act, a power conferred by this Act to make an Order in Council, regulations or an order [...<sup>2</sup>] includes power to make thereby such incidental, supplementary, consequential or transitional provision as appears to Her Majesty, or the authority making the regulations or order, as the case may be, to be expedient for the purposes of the Order in Council, regulations or order.

(6) Without prejudice to any specific provisions in this Act, a power conferred by any provision of this Act, except section 14, [...<sup>2</sup>], 130 and 175, to make an Order in Council, regulations or an order includes power to provide for a person to exercise a discretion in dealing with any matter.

(7) Any power conferred by this Act to make orders or regulations relating to housing benefit or [<sup>3</sup>council tax benefit] shall include power to make different provision for different areas [<sup>4</sup>or different authorities].

[<sup>5</sup>(7A) Without prejudice to the generality of any of the preceding provisions of this section, regulations under any of sections 2A to [<sup>6</sup>2F] and 7A above may provide for all or any of the provisions of the regulations to apply in relation to any area or areas specified in the regulations.]

*S. 189(8)–(10)—see Volume 1.*

(11) A power under [<sup>7</sup>section 179] above to make provision by regulations or Order in Council for modifications or adaptations of the Contributions and Benefits Act or this Act shall be exercisable in relation to any enactment passed after this Act which is directed to be construed as one with them, except in so far as any such

<sup>1</sup> Words in s. 189(4) deleted (6.9.99) by S.S. Act 1998 (c. 14), Sch. 7, para. 109.

<sup>2</sup> Words in s. 189(5) & (6) deleted (6.9.99) by S.S. Act 1998 (c. 14), Sch. 7, para. 109.

<sup>3</sup> Words in s. 189(7) substituted (6.3.92) by L.G.F. Act 1992 (c. 14), Sch. 9, para. 24, for purposes of council tax and council tax benefit from 1.4.93.

<sup>4</sup> Words inserted (1.7.97) in subsection (7) by Sch.1, para. 10, by Social Security Administration (Fraud) Act 1997 (c. 47).

<sup>5</sup> Para. (7A) inserted in s. 189 (1.11.99) by Welfare Reform & Pensions Act 1999 (c. 30), Sch. 12, para. 83.

<sup>6</sup> Word substituted in s. 189(7A) (12.11.09) by the Welfare Reform Act 2009 (c. 24), s. 2(4).

<sup>7</sup> Words substituted in s. 189(11) (2.12.99) by the Northern Ireland Act 1998 (c. 47), Sch. 13, para. 11.

SOCIAL SECURITY ADMINISTRATION ACT 1992 (c. 5)

Ss. 189-191

enactment relates to a benefit in relation to which the power is not exercisable; but this subsection applies only so far as a contrary intention is not expressed in the enactment so passed, and is without prejudice to the generality of any such direction.

Ss. 189(12) and 190—see Volume 1.

Supplementary

Interpretation - general.

1975 c. 14.

1986 c. 50.

1988 c. 41.

1992 c. 14.

**191.** *In this Act, unless the context otherwise requires—*

*“the 1975 Act” means the Social Security Act 1975;*

*“the 1986 Act” means the Social Security Act 1986;*

*“benefit” means benefit under the Contributions and Benefits Act [<sup>1</sup>and includes a jobseeker’s allowance] [<sup>2</sup>and state pension credit];*

*[<sup>3</sup>“billing authority” has the same meaning as in Part I of the Local Government Finance Act 1992;]*

*“Christmas bonus” means a payment under Part X of the Contributions and Benefits Act;*

*“claim” is to be construed in accordance with “claimant”;*

*“claimant” (in relation to contributions under Part I and to benefit under Parts II and IV of the Contributions and Benefits Act) means—*

*(a) a person whose right to be excepted from liability to pay, or to have his liability deferred for, or to be credited with, a contribution, is in question;*

*(b) a person who has claimed benefit;*

*and includes, in relation to an award or decision a beneficiary under the award of affected by the decision;*

*“claimant” (in relation to industrial injuries benefit) means a person who has claimed such a benefit and includes—*

*(a) an applicant for a declaration under [<sup>4</sup>section 29 of the Social Security Act 1998] that an accident was or was not an industrial accident; and*

*(b) in relation to an award or decision, a beneficiary under the award or affected by the decision;*

*[...<sup>4</sup>]*

*[...<sup>5</sup>]*

1992 c. 6.

*“the Consequential Provisions Act” means the Social Security (Consequential Provisions) Act 1992;*

*[<sup>6</sup> “contribution” means a contribution under Part I of the Contributions and Benefits Act”];*

*[<sup>7</sup> “contribution-based jobseeker’s allowance” has the same meaning as in the Jobseekers Act 1995;]*

<sup>1</sup> Words inserted (22.4.96) in defn. of “benefit” by para. 73(2) of Sch. 2 to Jobseekers Act 1995 (c. 18).

<sup>2</sup> Words inserted in defn. of “benefit” (2.7.02) for the purposes of exercising power to make regulations or orders by the State Pension Credit Act 2002 (c. 16), Sch. 2, para. 24(2).

<sup>3</sup> Defn. of “billing authority” substituted (6.3.92) for defns. of “chargeable financial year” and “charging authority” in s. 191 by L.G.F. Act 1992 (c. 14), Sch. 9, para. 25(a), for purposes of council tax and council tax benefit from 1.4.93.

<sup>4</sup> Words in defn. of ‘claimant’ inserted & defns. of “Commissioner” (29.11.99) by the S.S. Act 1998 (c. 14), Sch. 7, para. 111.

<sup>5</sup> Defn. of “compensation payment” and “compensator” in s. 191 repealed (6.10.97) by Sch. 3, para. 12 of Social Security (Recovery of Benefits) Act 1997.

<sup>6</sup> Defn. of “contribution” inserted (1.7.97) by Sch. 1, para. 12(2) to Social Security Administration (Fraud) Act 1997 (c. 47).

<sup>7</sup> Defn. of “contribution-based jobseeker’s allowance” inserted (22.4.96) into s. 191 by para. 73(3) of Sch. 2 to Jobseekers Act 1995 (c. 18).

*“contribution card” has the meaning assigned to it by section 114(6) above;*

*“the Contributions and Benefits Act” means the Social Security Contributions and Benefits Act 1992;*

1992 c. 4.

[<sup>1</sup> *“council tax benefit scheme” shall be construed in accordance with section 139(1) above;*]

*“disablement benefit” is to be construed in accordance with section 94(2)(a) of the Contributions and Benefits Act;*

[...<sup>2</sup>]

*“dwelling” means any residential accommodation, whether or not consisting of the whole or part of a building and whether or not comprising separate and self-contained premises;*

[<sup>3</sup> *“financial year” has the same meaning as in the Local Government Finance Act 1992;*]

[...<sup>2</sup>]

*“housing authority” means a local authority, a new town corporation, Scottish Homes or the Development Board for Rural Wales;*

1990 c. 41.

*“housing benefit scheme” is to be construed in accordance with section 134(1) above;*

[<sup>4</sup> *“income-based jobseeker’s allowance” has the same meaning as in the Jobseekers Act 1995;*]

*“income-related benefit” means—*

(a) *income support;*

(b) [...<sup>5</sup>]

(c) [...<sup>5</sup>]

(d) *housing benefit; and*

[<sup>6</sup>(e) *council tax benefit*];

*“industrial injuries benefit” means benefit under Part V of the Contributions and Benefits Act, other than under Schedule 8;*

[<sup>7</sup> *“Inland Revenue” means the Commissioners of Inland Revenue*]

[...<sup>8</sup>]

[...<sup>9</sup>]

<sup>1</sup> Defn. of “council tax benefit scheme” inserted (1.4.97) by Sch. 13, para. 3(6) to Housing Act 1996 (c. 52).

<sup>2</sup> Words in defn. of “the disablement questions” & “5 year general qualification” deleted (29.11.99) by the S.S. Act 1998 (c. 14), Sch. 7, para. 111.

<sup>3</sup> Defn. of “financial year” inserted (6.3.92) into s. 191 by L.G.F. Act 1992 (c. 14), Sch. 9, para. 25(b), for purposes of council tax and council tax benefit from 1.4.93.

<sup>4</sup> Defn. of “income-based jobseeker’s allowance” inserted (22.4.96) into s. 191 by para. 73(4) of Sch. 2 to Jobseekers Act 1995 (c. 18).

<sup>5</sup> Paras. (b) & (c) repealed in defn. of “income-related benefits” (8.4.03) by the Tax Credits Act 2002, Sch. 6.

<sup>6</sup> Para. (e) of defn. of “income-related benefit” substituted (6.3.92) by L.G.F. Act 1992 (c. 14), Sch. 9, para. 25(c), for purposes of council tax and council tax benefit from 1.4.93.

<sup>7</sup> Defn. of “Inland Revenue” inserted (1.4.99) by Social Security Contributions (Transfer of Functions etc) Act 1999 (c. 2), Sch. 1, para. 32.

<sup>8</sup> Defn. of “invalidity benefit” in s. 191 repealed (13.4.95) by S.S. (Incapacity for Work) Act 1994 (c. 18), Sch. 1, para. 52 and Sch. 2.

<sup>9</sup> Defn. of “levying authority” in s. 191 repealed (1.5.96) by para. 175(5)(a) of Sch. 13 to, and by Sch. 14 to, Local Government etc. (Scotland) Act 1994 (c. 39).

S. 191

*“local authority” means–*

*(a) in relation to England [...<sup>1</sup>], the council of a district or London borough, the Common Council of the City of London or the Council of the Isles of Sicily;*

*[<sup>1</sup>(aa) in relation to Wales, the council of a county or county borough;] and*

*(b) in relation to Scotland, [<sup>2</sup>a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];*

*“medical examination” includes bacteriological and radiographical tests and similar investigations, and “medically examined” has a corresponding meaning;*

*“medical practitioner” means–*

*(a) a registered medical practitioner; or*

*(b) a person outside the United Kingdom who is not a registered medical practitioner, but has qualifications corresponding (in the Secretary of State’s opinion) to those of a registered medical practitioner;*

*“medical treatment” means medical, surgical or rehabilitative treatment (including any course of diet or other regimen), and references to a person receiving or submitting himself to medical treatment are to be construed accordingly;*

*[<sup>3</sup>“money purchase contracted-out scheme” is to be construed in accordance with section 181A of the Pensions Act;]*

*“new town corporation” means*

1981 c. 64.

*(a) in relation to England and Wales, a development corporation established under the New Towns Act 1981 or the Commission for the New Towns; and*

1968 c. 16.

*(b) in relation to Scotland, a development corporation established under the New Towns (Scotland) Act 1968;*

*[<sup>4</sup>“the Northern Ireland Department” means the Department for Social Development but–*

*(a) in section 122 and sections 122B to 122E also includes the Department of Finance and Personnel; and*

*(b) in sections 121E, 121F, 122, 122ZA, 122C and 122D also includes the Department for Employment and Learning;]*

1992 c. 8.

*“the Northern Ireland Administration Act” means the Social Security (Northern Ireland) Administration Act 1992;*

*“occupational pension scheme” has the same meaning as in [<sup>5</sup>section 1] of the Pensions Act;*

*“the Old Cases Act” means the Industrial Injuries and Diseases (Old Cases) Act 1975;*

*“the Old Cases payments” means payments under Part I of Schedule 8 to the Contributions and Benefits Act;*

<sup>1</sup> Words repealed (1.4.96) in para. (a) of, and para. (aa) inserted (1.4.96) into, defn. of “local authority” in s. 191 by para. 94 of Sch. 16 to Local Government (Wales) Act 1994 (c. 19).

<sup>2</sup> Words substituted (1.4.96) in para. (b) of defn. of “local authority” in s. 191 by para. 175(5)(b) of Sch. 13 to Local Government etc. (Scotland) Act 1994 (c. 39).

<sup>3</sup> Defn. of “money purchase contracted-out scheme” substituted (6.4.12) by S.I. 2011/1724, reg. 2(3)(a).

<sup>4</sup> Defn. of “the Northern Ireland Department” substituted (9.9.02) by the Employment Act 2002 (c. 22), Sch. 7, para. 16.

<sup>5</sup> Words substituted (7.2.94) in defn. of “occupational pension scheme” by Pension Schemes Act 1993 (c. 48), Sch. 8, para. 31(b).

[<sup>1</sup>“pensionable age” has the meaning given by the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995];  
 “the Pensions Act” means the [<sup>2</sup>Pension Schemes Act 1993];  
 “personal pension scheme” has the meaning assigned to it by [<sup>3</sup>section 1 of the Pensions Act] [<sup>3</sup>and “appropriate”, in relation to such a scheme, shall be construed in accordance with [<sup>4</sup>section 181A(6)] of that Act];  
 “prescribe” means prescribe by regulations [<sup>5</sup>and “prescribed” must be construed accordingly];  
 [...<sup>6</sup>]  
 “rate rebate”, [...<sup>7</sup>] and “rent allowance” shall be construed in accordance with section 134 above;  
 [...<sup>7</sup>]  
 [<sup>8</sup>“state pension credit” means state pension credit under the State Pension Credit Act 2002;]  
 “tax year” means the 12 months beginning with 6th April in any year;  
 [...<sup>9</sup>]  
 “widow’s benefit” has the meaning assigned to it by section 20(1)(e) of the Contributions and Benefits Act.

**192.**—(1) This Act may be cited as the Social Security Administration Act 1992.

Short title,  
commencement and  
extent.

(2) This Act is to be read, where appropriate, with the Contributions and Benefits Act and the Consequential Provisions Act.

(3) The enactments consolidated by this Act are repealed, in consequence of the consolidation, by the Consequential Provisions Act.

(4) Except as provided in Schedule 4 to the Consequential Provisions Act, this Act shall come into force on 1st July 1992.

(5) The following provisions extend to Northern Ireland—  
 [...<sup>9</sup>]  
 [...<sup>10</sup>]  
 section 170 (with Schedule 5);  
 [<sup>11</sup>section 171 (with Schedule 6);]  
 section 177 (with Schedule 8); and  
 this section.

(6) Except as provided by this section, this Act does not extend to Northern Ireland.

---

<sup>1</sup> Defn. of “pensionable age” substituted (19.7.95) by para. 14 of Sch. 4 to Pensions Act 1995 (c. 26).  
<sup>2</sup> Words substituted (7.2.94) in defn. of “the Pensions Act” by Pension Schemes Act 1993 (c. 48), Sch. 8, para. 31(c).  
<sup>3</sup> Words substituted and words added (7.2.94) in defn. of “personal pension scheme” by Pension Schemes Act 1993 (c. 48), Sch. 8, para. 31(d).  
<sup>4</sup> Words in defn. of “personal pension scheme” substituted (6.4.12) by S.I. 2011/1724, reg. 2(3)(b).  
<sup>5</sup> Words inserted in defn. of “prescribe” (3.7.07) by the Welfare Reform Act 2007 (c. 5), Sch. 5, para. 10.  
<sup>6</sup> Defns. of “President” & “10 year general qualification” omitted (29.11.99) by S.S. Act 1998 (c. 14), Sch. 7, para. 111(a).  
<sup>7</sup> Defns. “rent rebate”, “rates” and “rating authority” omitted (1.4.97) by Sch.13, para. 3(6) to Housing Act 1996 (c. 52).  
<sup>8</sup> Defn. of “state pension credit” inserted in s. 191 (2.7.02) for the purposes of exercising power to make regulations or orders by the State Pension Credit Act 2002 (c. 16) Sch. 2, para. 24(3).  
<sup>9</sup> Words in s. 192(5) deleted (29.11.99) by S.S. Act 1998 (c. 14), Sch. 7, para. 12.  
<sup>10</sup> Words “Section 101” repealed (6.10.97) by Sch. 3, para. 13 to Social Security (Recovery of Benefits) Act 1997.  
<sup>11</sup> Words in s. 192(5) inserted by the Northern Ireland Act 1998 (c. 47), s. 89(9).

Sch. 1

Section 1(6).

SCHEDULES

SCHEDULE 1

CLAIMS FOR BENEFIT MADE OR TREATED AS MADE BEFORE 1ST OCTOBER 1990

*Claims made or treated as made on or after 2nd September 1985  
and before 1st October 1986*

1. Section 1 above shall have effect in relation to a claim made or treated as made on or after 2nd September 1985 and before 1st October 1986 as if the following subsections were substituted for subsections (1) to (3)–

“(1) Except in such cases as may be prescribed, no person shall be entitled to any benefit unless, in addition to any other conditions relating to that benefit being satisfied–

- (a) he makes a claim for it–
  - (i) in the prescribed manner; and
  - (ii) subject to subsection (2) below, within the prescribed time; or
- (b) by virtue of a provision of Chapter VI of Part II of the 1975 Act or of regulations made under such a provision he would have been treated as making a claim for it.

(2) Regulations shall provide for extending, subject to any prescribed conditions, the time within which a claim may be made in cases where it is not made within the prescribed time but good cause is shown for the delay.

(3) Notwithstanding any regulations made under this section, no person shall be entitled to any benefit (except disablement benefit or industrial death benefit) in respect of any period more than 12 months before the date on which the claim is made.”.

*Claims made or treated as made on or after 1st October 1986  
and before 6th April 1987*

2. Section 1 above shall have effect in relation to a claim made or treated as made on or after 1st October 1986 and before 6th April 1987 as if the subsections set out in paragraph 1 above were substituted for subsections (1) to (3) but with the insertion in subsection (3) of the words “, reduced earnings allowance” after the words “disablement benefit”.

*Claims made or treated as made on or after 6th April 1987  
and before 21st July 1989*

3. Section 1 above shall have effect in relation to a claim made or treated as made on or after 6th April 1987 and before 21st July 1989, as if–

- (a) the following subsection were substituted for subsection (1)–

“(1) Except in such cases as may be prescribed, no person shall be entitled to any benefit unless, in addition to any other conditions relating to that benefit being satisfied–

  - (a) he makes a claim for it in the prescribed manner and within the prescribed time; or
  - (b) by virtue of regulations made under section 51 of the 1986 Act he would have been treated as making a claim for it.”;

and
- (b) there were omitted–
  - (i) from subsection (2), the words “except as provided by section 3 below”; and
  - (ii) subsection (3).

*Claims made or treated as made on or after 21st July 1989  
and before 13th July 1990*

4. Section 1 above shall have effect in relation to a claim made or treated as made on or after 21st July 1989 and before 13th July 1990 as if there were omitted—

- (a) from subsection (1), the words “and subject to the following provisions of this section and to section 3 below”;
- (b) from subsection (2), the words “except as provided by section 3 below”; and
- (c) subsection (3).

*Claims made or treated as made on or after 13th July 1990  
and before 1st October 1990*

5. Section 1 above shall have effect in relation to a claim made or treated as made on or after 13th July 1990 and before 1st October 1990 as if there were omitted—

- (a) from subsection (1), the words “the following provisions of this section and to”; and
- (b) subsection (3).

.....  
**SCHEDULE 10**

Section 186.

**SUPPLEMENTARY BENEFIT ETC.**

*Interpretation*

.....  
4.-(3) The reference to housing benefit in section 75 above includes a reference to housing benefits under Part II of the Social Security and Housing Benefits Act 1982.

Section c. 24.



## Social Security Administration Act 1992

*(There is no Annex 1 to this Act)*

### **Annex 2**

This Act, a consolidating one, came into force on 1 July 1992, under s. 192(4)

TABLE OF DERIVATIONS

*Note:*

1. Abbreviations used in this Table are the same as those used in the Table of Derivations for the Social Security Contributions and Benefits Act. They are set out at the end of this Annex.

2. The Table does not acknowledge the general changes made by paragraph 1 of Schedule 8 to the Health and Social Services and Social Security Adjudications Act 1983. That paragraph transferred adjudication functions to adjudication officers and social security appeal tribunals.

3. The Table does not contain any entries in respect of section 66(2) of the Social Security Pensions Act 1975 (c.60) which provides that, with certain exceptions, that Act and the Social Security Act 1975 (c.14) shall have effect as if the provisions of the Social Security Pensions Act 1975 were contained in the Social Security Act 1975. The effect is that the general provisions of the Social Security Act 1975 apply to the provisions of the Social Security Pensions Act 1975.

4. The Table does not show the effect of transfer of functions orders.

<i>Provision</i>	<i>Derivation</i>
<i>Sections 1, 2:-</i>	
1(1)	1975(1) s. 165A(1); 1986 s. 86(1), Sch. 10, para.87; 1989 s. 31(1), Sch. 8, para. 9(1); 1990 s. 6(1)(a)
(2)	1975(1) s. 165A(2); 1986 s. 86(1), Sch. 10, para. 87; 1990 s. 6(1)(b)
(3)	1975(1) s. 165A(3); 1990 s. 1(6); 1991(2) s. 4, Sch. 1, para. 19
(4)	1975(1) s. 165A(1); 1986 s. 86, Sch.10, para. 48(b); 1990 s. 5(4)
(5), (6)	Drafting
2(1)	1975(1) s. 165B(1); 1990 s. 5(1)
(2), (3)	1975(1) s. 165B(2); 1990 s. 5(1)
(4), (5)	1975(1) s. 165B(3), (4); 1990 s. 5(1)
<i>Sections 5-7:-</i>	
5(1)(a)—(h)	1986 s. 51(1)(a)—(h)
(i)—(r)	1986 s. 51(1)(k)—(t)
(2)	1986 s. 51(2); 1988(1) s. 11, Sch.3, para. 16; 1991(2) s. 7, Sch. 3, para. 1
(3)	Housing Act 1988 (c. 50) s. 121(6)

<i>Provision</i>	<i>Derivation</i>
(4), (5)	1986 s. 51(3),(4)
6(1)(a) - (k)	1986 s. 51A(1)(a) - (k); 1988(2) s. 135, Sch. 10, para. 8
(1)	1986 s. 51A(1)(kk); 1989 s.31(1), Sch. 8, para. 9(6)(a)
(m) - (p)	1986 s. 51A(1)(1) - (o); 1988(2) s. 135, Sch. 10, para. 8
(q)	1986 s. 51A(1)(oo); 1989 s. 31(1), Sch. 8, para. 9(6)(b)
(r) - (u)	1986 s. 51A(1)(p) - (s); 1988(2) s. 135, Sch. 10, para. 8
(2), (3)	1986 s. 51A(2),(3); 1988(2) s. 135, Sch. 10, para. 8
7	1986 s. 51B; 1988(2) s. 135, Sch. 10, para. 8
<i>Section 16:-</i>	
16	1988(1) s. 8
<i>Section 63:-</i>	
63(1)	1986 ss. 29(1), 31C(1); 1988(2) s. 135, Sch. 10, para. 6
(2)	1986 ss.29(2), 31C(2); 1988(2) s. 135, Sch. 10, para. 6
(3)	1986 ss. 29(3), 31C(3); 1988(2) s. 135, Sch. 10, para. 6
<i>Sections 75-77, 78(2):-</i>	
75	1986 s. 29(4)—(7)
76(1), (2)	1986 s. 31D(1), (2); 1988(2) s. 135, Sch. 10, para. 6
(3)	1986 s. 31D(3); 1988(2) s. 135, Sch. 10, para. 6; 1989 s. 31(1), Sch. 8, para. 9(4)
(4)	1986 s. 31D(4); 1988(2) s. 135, Sch. 10, para. 6
(5)	1986 s. 31D(5); 1988(2) s. 135, Sch. 10, para. 6; 1989 s. 31(1), Sch. 8, para. 9(4)
(6) - (8)	1986 s. 31D(6) - (8); 1988(2) s. 135, Sch. 10, para. 6
77	1986 s. 31E; 1988(2) s. 135, Sch. 10, para. 6
78(1) - (3)	1986 s. 33(5) - (7)

**SOCIAL SECURITY ADMINISTRATION ACT 1992 (c. 5)**

**Annex 3**

<i>Provision</i>	<i>Derivation</i>
<i>Section 79:-</i>	
79(a)	1986 s. 53(7A); 1988 s. 16, Sch.4, para. 28
(b)	1986 s. 29(8); 1988 s. 16, Sch. 4, para. 26
(c)	1986 s. 33(8A); 1988 s. 16, Sch. 4, para. 27
<i>Sections 110-113:-</i>	
110(1)	1986 s. 58(1)
(2)	1986 s. 58(2); 1989 s. 22, Sch. 4 para. 20(2),(3)
(3)	1986 s. 58(3); 1989 s. 22, Sch. 4 para. 20(4)
(4),(5)	1986 s. 58(4),(5)
(6)	1986 s. 58(6); 1989 s. 22, Sch. 4, para. 20(5)
(7)	1986 s. 58(7); 1989 s. 22, Sch. 4, para. 20(6)
(8)	1986 s. 84(1) "the benefit Acts"
(9) "relevant benefit"	1986 s. 58(2)(b)(ii), (10); 1989 s. 22, Sch. 4, para. 20(2), (7)
"relevant payment"	1986 s. 58(c)(iii), (6)(a)(iii), (7)(e), (10); 1989 s. 22, Sch. 4, para. 20(3), (5)-(7)
111	1986 s. 58(8), (9); R10
112	1986 s. 55
113	1986 s. 54
<i>Section 116:-</i>	
116(1)	1986 s. 56(1)
(2)	1986 s. 56(2); 1988(2) s. 135, Sch. 10 para. 9(2)
(3)	1986 s. 56(3)
(4)	1986 s. 56(4); 1988(2) s. 135, Sch. 10, para. 9(3)
(5)	1986 s. 56(4A), 1988(2) s. 135, Sch. 10, para. 9(4)
(6)	1986 s. 56(4B); 1990 s. 21(1), Sch. 6, para. 5(2)

<i>Provision</i>	<i>Derivation</i>
(7)	1986 s. 56(5); 1988(2) s. 135, Sch. 10, para. 9(5)
<i>Sections 127, 128:-</i>	
127	1986 s. 31(1)—(3)
128	1986 s. 31G(1)—(3); 1988(2), s. 135, Sch. 10, para. 6
<i>Sections 134-140:-</i>	
134(1)	1986 s. 28(1); 1990 s. 21(1), Sch. 6 para. 18
(2)	1986 s. 28(1A); 1989 s. 14(1)
(3)—(6)	1986 s. 28(2) - (5)
(7)	1986 s. 28(5A); 1990 s. 21(1), Sch. 6, para. 18
(8) - (12)	1986 s. 28(6) - (10)
(13)	1986 s. 84(1) “modifications”
135(1)	1986 s. 30(1)
(2), (3)	1986 S. 30(2); Local Government and Housing Act 1989 (c. 42) s. 81(1); The Housing Benefit (Transitional) Amendment Regulations 1988 reg. 3 (S.I. 1988/458)
(4)	1986 s. 30(2ZA); 1990 s. 21(1), Sch. 6, para. 19(1)
(5)	1986 s. 30(3)
(6), (7)	1986 s.30(5); Housing (Scotland) Act 1988 (c. 43) ss. 1, 3, Sch.2, para.1; Local Government and Housing Act 1989 s. 81(2)
(8), (9)	1986 s. 30(6); Local Government and Housing Act 1989 s. 81(3)
(10)	1986 s. 30(7); R11
(11)	1986 s. 30(8); 1989 s. 15(2)
(12)	1986 s. 30(9)
(13)	1986 s. 84(3)
(14)	1986 s. 84(1) “modifications”
136(1)	1986 s. 30(2A); 1989 s. 15(1); 1990 s. 21(1), Sch. 6 para.19(2)

**SOCIAL SECURITY ADMINISTRATION ACT 1992 (c. 5)**

**Annex 3**

<i>Provision</i>	<i>Derivation</i>
(2)—(4)	1986 s. 30(2B), (2C); 1989 s. 15(1)
137	1986 s. 30(8A)—(8F); 1989 s. 15(2)
138(1),(2)	1986 s. 31A(1),(2); 1988(2) s. 135, Sch. 10, para. 6; 1990 s. 21(1), Sch. 6, para. 20
(3)—(9)	1986 s. 31A(3)—(9); 1988(2) s. 135, Sch. 10, para. 6
139(1)—(5)	1986 s. 31B(1)—(5); 1988(2) s. 135, Sch. 10, para. 6
(6)	1986 s. 31B(6); 1988(2) s. 135, Sch. 10, para. 6; the Community Charge Benefits (General) Regulations 1989 reg. 11(1) (S.I. 1989/1321)
(7)—(10)	1986 s. 31B(7)—(10); 1988(2) s. 135, Sch. 10, para. 6
(11)	1986 s. 84(1) “modifications”, “war disablement pension”, “war widow’s pension”; the Income and Corporation Taxes Act 1988 (c. 1) s. 844, Sch. 29, para. 32, Table; the Community Charge Benefits (General) Regulations 1989 reg. 11(2)
140(1),(2)	1986 s. 31F(1),(2); 1988(2) s. 135, Sch. 10, para. 6
(3)	1986 s. 31F(3); 1990 s. 21(1), Sch. 6, para. 21(1)
(4),(5)	1986 s. 31F(4),(5); 1988(2) s. 135, Sch. 10, para. 6
(6)	1986 s. 31F(5A); 1990 s. 21(1), Sch. 6, para. 21(2)
(7)	1986 s.31F(6); 1990 s.21(1), Sch.6, para.21(3)
(8)	1986 s. 31F(7); 1988(2) s. 135, Sch. 10, para. 6
<i>Section 150(1)(h):-</i>	
(h)	1986 s. 63(1)(i); 1991(2) s. 7, Sch. 3, para. 5(a)
<i>Section 150(2)-(5), (7), (9), (10):-</i>	
(2)	1986 s. 63(2)
(3)	1986 s. 63(3); 1988(1) s. 2(2)(b); 1911(2) s. 4, Sch. 2, para. 16(b)
(4) - (6)	1986 s. 63(4)—(6)

<i>Provision</i>	<i>Derivation</i>
(7)	1986 s. 63(10); Social Security Act 1986 (Consequential) Amendment Regulation 1988 (S.I. 1988/961) reg. 2(a)
(9)	1986 s. 63(12)
(10)	1986 s. 63(13); 1989 s. 31(1), Sch. 8, para. 15(2); 1991(2) s. 7, Sch. 3, para. 5(b)
<i>Section 163(2)(a), (d), (h):-</i>	
(2)(a)	1975(1) s. 135(3)(a); 1975(2) s. 64(1)(a); 1975(3) s. 23(1)(a); 1977 s. 23(1)(a); 1980(1) s. 19(1); 1982(2) s. 46(1)(a); 1986 s. 85(1)(e), (f); 1988(1) s. 15(1)(a); 1989 s. 28(1)(a); 1990 s. 18(1)(a); 1991(1) s. 4(3)
(d)	1986 s. 85(1)(a); 1988(2) s. 135, Sch. 10, para. 12; 1991(2) s. 7, Sch. 3, para. 8(a)
(h)	1986 s. 85(1)(d)
<i>Sections 176-179:-</i>	
176(1)	1986 s. 61(7); 1988(2) s. 135, Sch. 10, para. 10
(2), (3)	1986 s. 61(8), (9)
177(1) - (3)	1975(1) s. 142(1) - (3)
(4)	1975(1) s. 142(4); 1975(2) s. 65(2), Sch. 4, para. 66; 1986 s. 65(1)
(5)	1975(1) s. 142(1)
178(1), (2)	1975(3) s. 14(1); 1986 s. 65(4); 1991(2) s. 7, Sch. 3, para. 6
(3)	1975(3) s. 14(2)
179(1)	1975(1) s. 143(1); 1975(3) s. 15(1); 1977 s. 20(1), (2); 1986 s. 65(2)(a)
(2)	1975(1) s. 143(1A); 1975(3) s. 15(1A); 1981(2) s. 6(1), (2)
(3)	1975(1) s. 143(2); 1975(3) s. 15(2)
(4)	1975(1) s. 143(1); 1975(3) s. 15(1); 1986 s. 65(4); 1991(2) s. 7, Sch. 3, para. 6
(5)	1975(3) s. 15(1); 1986 s. 65(4); 1991(2) s. 7, Sch. 3, para. 6
<i>Section 187:-</i>	
187(1)	1975(1) s. 87(1); 1975(3) s. 12(1); 1986 s. 86, Sch. 10, para. 48(a)

**SOCIAL SECURITY ADMINISTRATION ACT 1992 (c. 5)**

**Annex3**

<i>Provision</i>	<i>Derivation</i>
(2)	1975(1) s. 87(2); 1975(3) s. 12(2); Solicitors (Scotland) Act 1980 (c. 46) s. 66, Sch. 6, para. 2
(3)	1975(1) s. 87(3)
<i>Section 189(1), (3)-(7), (11):-</i>	
189(1), (2)	1975(1) s. 168(1), Sch. 20, “regulations”; 1975(3) s. 22(1); 1977 s. 24(1) “regulations”; 1982(2) s. 47 “regulations”; 1986 ss. 52, 84(1) “regulations”, Sch. 5, para. 20, 1989 s. 30(1) “regulations”; 1991(2) S. 3(8)
(3)	1975(1) s. 166(1); 1975(3) s. 22(2); 1977 s. 24(3); 1980(1) s. 14(8); 1982(2) s. 45(2); 1986 s. 83(1); 1989 s.29(1); 1990 s. 21(1), Sch. 6, para. 8(7); 1991(2) s. 3(8)
(4)	1975(1) s. 166(2); 1975(3) s. 22(6); 1977 s. 24(3); 1982(2) s. 45(1); 1986 s. 83(1); 1989 s. 29(1)
(5)	1975(1) ss. 113(2)(c), 166(3); 1975(3) s. 22(7); 1977 s. 24(3); 1982(2) s. 45(1); 1986 s. 83(1); 1989 ss. 29(1), 31(1), Sch. 8, para. 10(1); 1991(2) s. 3(7); R6
(6)	1975(1) s. 166(3A); 1975(3) s. 22(7A); 1977 s. 24(3); 1986 ss. 62(1), (2), 83(1); 1989 s. 29(1)
(7)	1986 s. 83(2); 1988(2) s. 135, Sch. 10, para. 11(2)
(11)	1975(1) S. 166(7); 1975(3) ss. 14(3), 15(3); 1986 S. 65(4); 1991(2) s. 7, Sch. 3, para. 6
<i>Sections 191, 192:-</i>	
191	
“the 1975 Act”; “the 1986 Act”; “benefit”	Drafting
“chargeable financial year” “charging authority”	1986 s. 20(11), “chargeable financial year”; “charging authority”; 1988(2) s. 135, Sch. 10, para. 2(5)
“Christmas bonus”	Drafting
“claim”	1975(1) s. 168(1), Sch. 20, “claim”
“claimant”	1975(1) s. 168(1), Sch. 20, “claimant”

<i>Provision</i>	<i>Derivation</i>
“Commissioner”; “Compensation payment”; “compensator”; “the Consequential Provisions Act”; “contribution card”; “the Contributions and Benefits Act”; “disablement benefit”; “the disablement questions”	Drafting
“dwelling”	1986 s. 84(1) “dwelling”
“5 year general qualification”	Drafting
“housing authority”	1986 s. 84(1) “housing authority”; Housing (Scotland) Act 1988 (c. 43) ss. 1, 3, Sch. 2, para. 1
“housing benefit scheme”	1986 s. 84(1) “housing benefit scheme”
“income-related benefit”	Drafting
“industrial injuries benefit”	1975(1) s. 168(1), Sch. 20, “industrial injuries benefit”
“invalidity benefit”	Drafting
“levying authority”	1986 s. 20(11) “levying authority”; 1988(2) s. 135, Sch. 10, para. 2(5)
“local authority”	1986 s. 84(1) “local authority”
“medical examination”	1975(1) s. 168(1), Sch. 20, “medical examination”
“medical practitioner”	1975(1) s. 168(1), Sch. 20, “medical practitioner”
“medical treatment”	1975(1) s. 168(1), Sch. 20, “medical treatment”
“new town corporation”	1986 s. 84(1) “new town corporation”
“the Northern Ireland Department”	1975(1) s. 168(1), Sch. 20, “the Northern Ireland Department”
“the Northern Ireland Administration Act”; “occupational pension scheme”; “the Old Cases Act”; “Old Cases payments”; “the Pensions Act”; “personal pension scheme”	Drafting
“prescribe”	1975 s. 168(1), Sch. 20, “prescribe”
“president”	1975(1) s. 168(1), Sch. 20, “president”; 1991(2) s. 4, Sch. 1, para. 20
“rate rebate”; “rent rebate”; “rent allowance”	Drafting

**SOCIAL SECURITY ADMINISTRATION ACT 1992 (c. 5)**

**Annex 3**

<i>Provision</i>	<i>Derivation</i>
“rates”	1986 s. 84(1) “rates”; Abolition of Domestic Rates Etc. (Scotland) Act 1987 (c. 47) s. 26(2)(a)
“rating authority”	1986 s. 84(1) “rating authority”
“tax year”	1975(1) s. 168(1), Sch. 20, “tax year”
“10 year general qualification”	Drafting
“widow’s benefit”	Drafting
192	Short title, commencement and extent
<i>Schedule 1:–</i>	
Sch. 1	
para.1	1975(1) s. 165A; 1985 ss. 17, 32(3)
para.2	1975(1) s. 165A; 1985 s. 17; 1986 s. 86 Sch. 10, para. 88; Social Security Act 1986 (Commencement No. 1) Order 1986 (S.I. 1986/1609)
para.3	1975(1) s. 165A; 1986 s. 86, Sch. 10, para. 87; Social Security Act 1986 (No. 4) Commencement Order 1986 (S.I. 1986/1959)
para.4	1975(1) s. 165A; 1986 s. 86, Sch. 10, para. 87; 1989 ss. 31(1), 33(2), (3), Sch. 8, para. 9(1)
para.5	1975(1) s. 165A; 1986 s. 86, Sch. 10, para. 87; 1989 s. 31(1), Sch. 8, para. 9(1); 1990 ss. 6(1), 23(2), (3)
<i>Schedule 10, para. 4(3):–</i>	
(3)	1986 s. 73, Sch. 7, para. 5(2)

The following abbreviations are used in the above Table :—

1975(1)=	Social Security Act 1975 (c.14)
1975(2)=	Social Security Pensions Act 1975 (c.60)
1975(3)=	Child Benefit Act 1975 (c.61)
1975 (Old Cases)=	Industral Injuries abd Diseases (Old Cases Act 1977 (c.5)
1977=	Social Security (Miscellaneous Provisions Act 1977 (c.5)
1978=	Employment Protection (Consolidation) Act 1978 (c.4)
1979=	Social Security Act 1979(c.18)
1980(1)=	Social Security Act 1980 (c.30)
1980(2)=	Social Security (No. 2) Act 1980 (c.39)
1981(1)=	Social Security (Contributions) Act 1981 (c.1)
1981(2)=	Social Security Act 1981 (c.33)
1982(1)=	Social Security (Contributions) Act 1982 (c.2)
1982(2)=	Social Security and Housing Benefits Act 1982 (c.24)
1983=	Health and Social Security and Social Security Adjudication Act 1983 (c.41)
1984=	Health and Social Security Act 1984 (c.48)
1985=	Social Security Act 1985 (c.53)
1986=	Social Security Act 1986 (c.50)
1987=	Social Fund (Maternity and Funeral Expenses) Act 1987 (c.7)
1988(1)=	Social Security Act 1988 (c.7)
1988(2)=	Local Government Finance Act 1988 (c.41)
1989=	Social Security Act 1989 (c.24)
1990=	Social Security Act 1990 (c.27)
1991(1)=	Statutory Sick Pay Act 1991 (c.3)
1991(2)=	Disability Living Allowance and Disability Working Allowance Act 1991 (c.21)
1991(3)=	Social Security (Contributions) Act 1991 (c.42)
R followed by a number=	the Law Commission reccommendation of that number

**SOCIAL SECURITY ADMINISTRATION ACT 1992 (c. 5)**